

# Exhibit F



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

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1

2 APPEARANCES:

3

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8 Counsel for Plaintiff

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**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

3

1	
2	INDEX OF EXHIBITS
3	RYHAL DEPOSITION PAGE
4	1: Notice of Deposition.....7
5	2: Curriculum Vitae .....8
6	3: Current CV.....9
7	4: Court Testimony list.....9
8	5: Communications with Client.....22
9	6: Correspondence with Fire Marshal...24
10	7: Photos .....27
11	8: Text messages .....31
12	9: iPhone article just as a place holder
13	10: Billing statements .....37
14	11: Page 25 of 33 of Henry Report .....73
15	
16	(Exhibits Retained)
17	
18	
19	
20	
21	
22	
23	
24	
25	

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

4

1 STIPULATION

2 It is hereby stipulated and agreed by  
3 and between counsel for the respective parties  
4 that the deposition is being taken for discovery;  
5 that reading, signing, sealing, certification, and  
6 filing are waived; that all objections, except as  
7 to the form of the question, are reserved to the  
8 time of trial.

\* \* \* \*

9 ROBERT G. RYHAL,  
10 called upon by Defendant to give testimony, being  
11 duly sworn or affirmed by me, testified as:

12 EXAMINATION

13 BY MR. COPENHAVER:

14 Q. Good morning, Mr. Ryhal.

15 Spell your last name for the record.

16 A. Robert George Ryhal, R-Y-H-A-L.

17 Q. All right. Mr. Ryhal, I'm gonna try to  
18 remember the pronunciation of your last name.

19 I'll do my best, but if I mess up, my  
20 apologies.

21 So we're here today to take your  
22 deposition in the matter of Robert Stiffler versus  
23 Apple, et al.

24 I understand you've been retained as an  
25 expert on behalf of the plaintiff.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

5

1 Is that your understanding?

2 A. Correct.

3 Q. I'm sure you've been through this  
4 process a number of times, so I'm not going to  
5 belabor them.

6 But a couple of ground rules I want to  
7 go over with you that are primarily intended make  
8 the court reporter's job a little easier.

9 Please try to wait for me to finish  
10 asking my question before you start your answer  
11 and I'll try to wait for you to finish answering  
12 before I start my question.

13 Is that fair?

14 A. Yes.

15 Q. If I ask a question that you don't  
16 understand or is confusing, please let me know and  
17 I can attempt to rephrase it.

18 Okay?

19 A. Correct.

20 Q. I tend to take breaks on the hour. If  
21 you need a break at any point in time other than  
22 that, however, please just let me know.

23 I would just ask that you answer  
24 whatever question is pending and then we take a  
25 break for everyone. Okay?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

6

1           A.    Yep.   Great.

2           Q.    You're doing great so far, but just  
3    please continue to answer out loud and verbally.  
4    I can see you and I know if you nod or shake your  
5    head what you mean, but that doesn't show up real  
6    well on the record.

7                    Okay?

8           A.    Correct.

9           Q.    Do you have a copy of the Notice of  
10   Deposition in front of you?

11          A.    No, I do not.

12          Q.    Have you been sent a copy of that  
13   notice?

14          A.    I received an e-mail.

15          Q.    So I have up on my screen what we'll  
16   mark Exhibit 1, which is a Notice of Deposition of  
17   Robert G Ryhal.

18                   Do you see that?

19          A.    Yes.

20                   (Ryhal Deposition Exhibit

21                   Number 1 marked.)

22   BY MR. COPENHAVER:

23          Q.    Is that a document you have seen before?

24          A.    Yes.

25          Q.    Okay.   And do you recall that on the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

7

1 second and third page of that document, there was  
2 a list of items that you were requested to produce  
3 in advance of the deposition?

4 A. I saw that list, yes.

5 Q. Okay. Did you provide those materials  
6 to counsel?

7 A. I believe everything that was requested,  
8 they had reviewed it and asked me to provide X, Y,  
9 Z.

10 So, truthfully, I didn't go line by  
11 line, because I thought that they had taken care  
12 of it.

13 Q. Let's go ahead and do that to make sure  
14 I have everything that you have.

15 The first thing is a copy of your  
16 current CV.

17 Do you see that?

18 A. Yes.

19 Q. Okay. Let me see if I can pull that up,  
20 make sure what I have is the current one.

21 Up on the screen I have pulled up a  
22 document entitled curriculum vitae of Robert G.  
23 Ryhal.

24 Is that your CV?

25 A. Yes.



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

8

1           Q.    It looks like a rev date of 7/20/20 in  
2   the upper right-hand corner?

3           A.    Yeah, I don't think that's the current  
4   one.

5           Q.    So I'm going to go ahead and mark this  
6   as Exhibit 2.

7                   (Ryhal Deposition Exhibit Number 2  
8                   marked.)

9   BY MR. COPENHAVER:

10          Q.    Would you be able to provide a current  
11   CV to counsel so that it can be provided to us?

12          A.    Sure.

13          Q.    All right. Do you know -- off the top  
14   of your head, do you know what the substantive  
15   changes are between the current version and the  
16   one we marked as Exhibit 2?

17          A.    Traditionally, it's just relative to the  
18   number of fires.

19                   In this instance, you know, I'm chairman  
20   of a local charity, things like that. Nothing  
21   significant.

22          Q.    Okay. I would like a current version,  
23   so we will sort of preemptively mark the current  
24   vision as Exhibit 3 or 12 or remain blank for now.

25          A.    Yes.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

9

1 (Ryhal Deposition Exhibit Number  
2 3 marked.)

3 BY MR. COPENHAVER:

4 Q. The next item -- and we'll obviously go  
5 through your CV, but I just want to continue down  
6 this list a little bit.

7 The next item requested was a list of  
8 your testimony.

9 A. I believe that was provided.

10 Q. So I have up on the screen a document  
11 dated May 31, 2022, entitled Court Testimony of  
12 Robert G. Ryhal, which we will mark as Exhibit 4.

13 Is that an up-to-date list of your court  
14 testimony?

15 A. Yes.

16 (Ryhal Deposition Exhibit Number 4  
17 marked.)

18 BY MR. COPENHAVER:

19 Q. Does this list all instances in which  
20 you provided sworn testimony in the past?

21 A. I would like to say yes, but there's  
22 instances, I believe, where, you know, I didn't  
23 record it properly.

24 For example, I was in Warren County  
25 Court and the judge advised me that I had actually

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

10

1 spoken as an expert in her courtroom prior and I  
2 didn't have it.

3 Q. Okay. But other than, you know,  
4 inadvertent omissions like that, this is intended  
5 to be comprehensive?

6 A. Yes.

7 Q. Can you tell me which of these are  
8 instances in which you testified as a retained  
9 expert in a civil case?

10 Are you looking at your own copy of this  
11 or do you need me to scroll?

12 A. No. You're good where you're at.

13 Q. I'm going to stop sharing that, unless  
14 you're reading from mine.

15 A. Can you scan up a bit?

16 Q. Sure.

17 A. And scan up to the next page, please,  
18 first page, okay, to the second page.

19 I think from 18 -- 18, 19, 20 onward  
20 would generally be for various clients.

21 I'm not sure of 18. For some reason  
22 it's just not -- it's not coming to my forefront,  
23 what that was about.

24 But generally those would be the ones  
25 that would be on behalf of an insurance client,

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

11

1 looks like it.

2 Q. You think 18 -- more or less 18 through  
3 29?

4 A. Yes.

5 Q. Do you believe that you have provided  
6 testimony as an obtained expert in a civil case on  
7 approximately 12 prior occasions?

8 A. Yes. In 12 -- I mean, 22, I'm sorry,  
9 that was a homicide trial, Freddie Robinson. That  
10 was after I retired. But it was a criminal case  
11 for the State Police.

12 Q. Okay. So somewhere between 10 or 12  
13 times you think, would that be a fair estimate,  
14 that you testified in civil trials as a retained  
15 expert?

16 A. Yes.

17 Q. How many of those have been against an  
18 insurance company in a subrogation action?

19 A. I would say all of them.

20 Q. So all of the instances in which you  
21 have testified as a retained expert in a civil  
22 matter have been on behalf of insurance companies  
23 in subrogation actions in which they sought to  
24 recover monies paid out pursuant to a policy.

25 Is that your understanding?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

12

1           A.    Generally, yes.  I would say, yes,  
2   that's correct.

3           Q.    Have you ever testified for a defendant  
4   in a civil litigation?

5           A.    I don't believe so.  Wait a minute.  You  
6   said a defendant?

7           Q.    A defendant.

8           A.    Let's go -- can you scroll up?

9           Q.    Tell me when to stop.

10          A.    Stop, please.  Please go down again and  
11   stop.

12                   I'm looking for a case that was in  
13   Allegheny County Court.  I thought it was -- there  
14   you go, 23.

15          Q.    Is that a case in which you testified on  
16   behalf of the defendant?

17          A.    Yeah, for defendant, Francis Kish  
18   Construction.

19          Q.    And can you just generally describe the  
20   circumstances of that case?

21          A.    That had been my client had done some  
22   work at a house.  And I forget if they were  
23   insulating or something to that effect.  But they  
24   were accused of, when they left, having left a  
25   lightbulb on in insulation, something to that

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

13

1 effect.

2 Q. And what was your opinion in that case?

3 A. My opinion was that they -- they didn't  
4 have or collect the lightbulb they were alleging  
5 was the cause of the fire.

6 Q. Why was it significant in your view that  
7 they didn't collect the lightbulb that they had  
8 said was the cause of the fire?

9 A. It would have determined if the  
10 lightbulb was on or off.

11 Q. And was it your opinion that in the  
12 absence of them collecting that lightbulb to  
13 assess its condition at the time of the fire, it  
14 was inappropriate for them to have attributed the  
15 cause of the fire to that lightbulb?

16 A. I think that was the general discussion,  
17 yes.

18 Q. Are there any other instances in which  
19 you can think of where you were retained and  
20 testified on behalf of a defendant in civil  
21 litigation?

22 A. Please rephrase your question.

23 Q. Sure. Other than that one instance, the  
24 one Number 23, on Exhibit 4, can you think of any  
25 other instances in which you were retained and

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

14

1 testified on behalf of the defendant in civil  
2 litigation?

3 That may not have been a rephrasing, but  
4 let me know if you don't understand it.

5 A. No, it was whether or not you stated it  
6 was testimony.

7 Q. Got it.

8 A. No, I don't believe so.

9 Q. Did any of these cases in which you  
10 testified in civil litigation concern or relate to  
11 lithium ion batteries?

12 A. I would have to say no.

13 Q. What about more broadly speaking, are  
14 any of the cases in which you've testified in any  
15 capacity, have any of those related to lithium ion  
16 batteries?

17 A. I believe no.

18 Can you go back to that one more time?

19 Q. Sure can.

20 And just for the record, I've pulled up  
21 the Court Testimony list.

22 A. 16, I don't believe that had anything to  
23 do with batteries. That was the one that caught  
24 my eye as you flipped away.

25 Q. Okay. If it has to do with batteries,

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

15

1 let me know --

2 A. I don't believe so.

3 Q. Okay. The next item on the deposition  
4 notice that was requested was number three. And  
5 it requested your entire file relating to  
6 captioned lawsuit filed by plaintiff.

7 Q. Yes. Documents, yes.

8 Q. Do you have an index of that? Or do you  
9 have that in front of you and we can walk through  
10 it and I can make sure that I have everything  
11 that's in your file.

12 A. I don't have an index, but I have the  
13 documents that were provided to me.

14 Q. Can you just list those -- list  
15 everything that's in your file to make sure that I  
16 have a copy of it, please?

17 A. So we have the transcripts of Sandra  
18 Arthur and Robert Stiffler.

19 We have the motorist report by John  
20 Henry and motorist file, which I believe includes  
21 some of the adjustor work.

22 The purchase receipt of an Apple iPhone.

23 Can you hear me okay?

24 Q. I sure can.

25 A. I have an Allegheny County Emergency



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

16

1 Services Report. There are some newspaper  
2 articles, Cresson Township Police Department  
3 Report, some online stories about Apple iPhones.

4 And we have a record of investigations  
5 into the iPhones from Apple. In addition to that,  
6 I have obtained the photographs of John Henry, in  
7 addition to his report.

8 The photographs of the Allegheny County  
9 Fire Marshal. I think that's pretty much it.

10 Oh, and the medical records.

11 I don't have those in front of me. I  
12 don't know if those were a PDF. There's a large  
13 file of medical records.

14 Q. All right. Online stories about Apple  
15 iPhones. Did you find those or were those  
16 provided to you?

17 A. Provided to me.

18 Q. By whom?

19 A. Counsel.

20 Q. For what purpose were those provided to  
21 you?

22 A. Truthfully, it was never discussed why  
23 he provided them to me. He provided them to me.

24 Q. Are they of any significance to your  
25 evaluation?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

17

1           A.    In this instance, no. I mean, only that  
2 people are reporting that they had a problem with  
3 the iPhone.

4           Q.    Do you know the circumstances under  
5 which any of those, what you're calling problems,  
6 arose?

7           A.    I can't -- I mean, I read the articles.  
8 I can't recall what exactly the problems were.

9           Q.    Do you have the articles in front of  
10 you?

11          A.    The first one is a date stamp of  
12 November 24th, '21. Apple investigating iPhone 6  
13 exploding in California. I'm thinking the date's  
14 gonna be on this one.

15                Man sues Apple for iPhone 6 battery  
16 explosion caused by alleged defect.

17                iPhone S6 explodes causing second degree  
18 burns in user in Australia.

19                The lawsuits filed against Apple after  
20 iPhone and Smart Watch overheat and catch fire.

21                That's it.

22          Q.    When were those provided to you?

23          A.    I think these came with the initial file  
24 that included John Henry's report.

25                And I think with John Henry's report, I

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

18

1 would have had the Allegheny County Fire Marshal's  
2 report.

3 Q. So when you were first provided a file  
4 relative to your work on this case, counsel  
5 provided you with articles dealing with alleged  
6 battery thermal events for certain Apple products?

7 A. I can't say exactly when, but, yeah, I  
8 believe it was early on.

9 Q. Okay. And what did that suggest to you  
10 about anything?

11 A. Relative to my investigation, nothing.

12 Q. Were you asked specifically to  
13 determine -- were you asked explicitly about the  
14 iPhone, to investigate the iPhone when you were  
15 retained in this case?

16 A. No. I was asked to look at the reports  
17 and the information provided and provide my client  
18 with my opinion.

19 Q. Did counsel provide you with articles  
20 about anything other than Apple products?

21 A. Well, the articles, I would assume, from  
22 what counsel advised me, is that his client was  
23 making the complaint that it was the phone.

24 Q. So my question was, did counsel provide  
25 you with articles about any product other than an

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

19

1 Apple product?

2 A. Okay. No.

3 Q. What's the model of iPhone that is  
4 alleged to have been involved in this incident?

5 A. iPhone 6+, I believe.

6 Q. Did any of those articles concern an  
7 iPhone 6+?

8 A. I don't believe so.

9 Q. So, again, other than indicating to you  
10 that certain people had reported alleged issues  
11 with products other than the one at issue in this  
12 lawsuit, did those articles have any significance  
13 at all to your evaluation of this case?

14 A. No.

15 Q. Did you ask why they were provided to  
16 you?

17 A. Typically you'll get a bunch of  
18 extraneous material, whether it's relevant or not  
19 is for my analysis to determine.

20 MR. COPENHAVER: All right. Counsel, I  
21 assume there's no issue in providing those  
22 articles to us?

23 MR. SANTICOLA: Oh, no, no. They're  
24 right off the internet, so they're public  
25 knowledge.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

20

1 MR. COPENHAVER: But you can provide  
2 them so we know what he looked at?

3 MR. SANTICOLA: Sure.

4 BY MR. COPENHAVER:

5 Q. Did you do any of your own online  
6 searches or investigation about iPhones?

7 A. No, I did not.

8 Q. One of the other things you mentioned is  
9 a report of investigations into iPhones by Apple.

10 I want to make sure I understand what  
11 you are referring to there.

12 Can you describe that for me with a  
13 little greater detail?

14 MR. SANTICOLA: I believe that's what  
15 you guys provided to us in discovery.

16 MR. COPENHAVER: That spreadsheet or  
17 chart?

18 MR. SANTICOLA: Yes.

19 MR. COPENHAVER: Okay.

20 THE DEPONENT: I'm sorry. I thought you  
21 were referring to the article -- the list of  
22 articles.

23 BY MR. COPENHAVER:

24 Q. No, sir.

25 You had referred to it as a record of

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

21

1 investigation into iPhones and I wanted to make  
2 sure I understood what you meant by that.

3 A. Yes.

4 Q. Okay. Okay. Anything else in your file  
5 in front of you?

6 A. No, I believe that's it.

7 Q. Okay. The next thing on the notice that  
8 you were requested to provide were any and all  
9 documents and things you've reviewed, considered  
10 or relied upon in doing any of your work in this  
11 lawsuit.

12 Is there anything that you have reviewed  
13 or relied upon other than the materials that we  
14 just discussed that are in your file?

15 A. Communications with the client.

16 Q. Okay. Have you provided those?

17 A. No, I have not.

18 Q. Do you have copies of those?

19 A. I believe I have e-mails communicating  
20 with the client.

21 Q. Okay. So I'm gonna put a place hold in  
22 here as Exhibit 5 for correspondence with counsel.

23 A. Okay.

24 (Ryhal Deposition Exhibit Number 5  
25 marked.)

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

22

1 BY MR. COPENHAVER:

2 Q. Could I ask you to please collect and  
3 send to counsel copies of that correspondence?

4 A. I believe that my client would have  
5 them.

6 Q. I'm sure that he would but I need it  
7 from you.

8 A. Okay.

9 Q. All right. Have you communicated with  
10 anyone other than plaintiff's counsel relating to  
11 your work in this case?

12 A. Yes. I had a conversation with -- I  
13 believe the Fire Marshal I spoke to briefly  
14 asking -- I think I made an inquiry for photos.  
15 And he was on the fire scene. I believe  
16 I asked him about the photos for his  
17 investigation. I have the report. I didn't have  
18 the photos.

19 Q. Did you have any -- I'm sorry. I didn't  
20 mean to cut you off.

21 A. Donnie Brucker, the Chief Deputy Fire  
22 Marshal, told me that I wouldn't get the photos,  
23 but they subsequently came back in the mail from  
24 my request.

25 I may be confusing another file, too,

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

23

1 Counsel.

2 I sent my wife down to Allegheny County  
3 to pick up pictures. That could be this file.  
4 I'm not sure.

5 Anyway, that is what that was limited  
6 to.

7 I did speak with John Henry.

8 Q. Let me first exhaust the Fire Marshal  
9 conversation you may have had.

10 Did you have any substantive  
11 conversations with anybody from the Fire Marshal's  
12 office regarding anything other than just whether  
13 or not photographs were available?

14 A. The Fire Marshal I just simply asked --  
15 I think there was a general question what was --  
16 what had occurred, what was going on and I said  
17 that there was a lawsuit concerning Apple.

18 Q. And what, if anything, did the Fire  
19 Marshal's office say?

20 A. I limited the conversation to that.

21 Q. Did they say anything about Apple or an  
22 iPhone or any other product?

23 A. No, it was limited to what I said it was  
24 limited to.

25 Q. Okay. Do you have any correspondence in



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

24

1 the Fire Marshal's case related to this case?

2 A. Generally you produce a letter in order  
3 to get the photographs and checks to pay for  
4 obtaining the images.

5 Q. Is that something that you could provide  
6 counsel?

7 A. Yeah, I should be able to.

8 MR. COPENHAVER: We're gonna mark those  
9 as Exhibit 6 to be received.

10 (Ryhal Deposition Exhibit Number 6  
11 marked.)

12 BY MR. COPENHAVER:

13 Q. Okay. And you also mentioned that you  
14 spoke with Mr. Henry?

15 A. Correct.

16 Q. When did you speak with Mr. Henry?

17 A. I spoke with Mr. Henry sometime after  
18 receiving his report. I would have to look that  
19 up. I might have a text where I asked John to  
20 call me, where I texted him.

21 Q. So tell me about -- you said that was  
22 before you completed your report?

23 A. Correct.

24 Q. All right. Tell me what you can  
25 recall -- any conversation you had with

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

25

1 Mr. Henry -- well, first of all, how many times  
2 did you speak with him about this case?

3 A. I would say no more than two times.

4 Q. All right. Let's focus on the first  
5 time.

6 Do you know how long before you  
7 completed your report that first conversation  
8 happened?

9 A. I'd have to look it up. I think -- I  
10 would say it's fair to say that it's after I  
11 received his report, because I was looking for  
12 photographs.

13 Q. All right. Tell me what you can recall  
14 about that conversation.

15 A. The gist of the conversation was about  
16 the photographs, and I read his report.

17 He had made the comments, I think, about  
18 Mr. Stiffler and his drug and alcohol and a lot of  
19 smoking going on, that sort of thing.

20 And I think the only thing I said to him  
21 was, well, I think there's a lot more to it than  
22 just that and you never really got a chance to  
23 talk to the guy.

24 And I left it at that.

25 Q. Have you talked to the guy?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

26

1 A. No.

2 Q. And what did Mr. Henry say in response  
3 to all of that?

4 A. He generously provided me with -- he  
5 checked with his client, motorist, to see if they  
6 would -- since I had the report, allow me to have  
7 the photos and they agreed and acquiesced and sent  
8 me, I think, the latest scene photos.

9 Q. Do you still have those photos?

10 A. Yes.

11 Q. I'm not sure we do.

12 Is that something you can provide?

13 A. Yeah, they are in the report. They're  
14 labeled.

15 Q. Are those the entirety of those photos?

16 A. No. No. No, I assumed that you guys  
17 had them.

18 Q. Okay. You can provide that?

19 A. Sure. You can accept a link, right, to  
20 download?

21 Q. I'm sure that we can and if not, we'll  
22 deal with it.

23 But let's try that to begin with. We'll  
24 mark those as Exhibit 7.

25 (Ryhal Deposition Exhibit Number 7

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

27

1                   marked.)

2       BY MR. COPENHAVER:

3           Q.     Did Mr. Henry have any response to you  
4     saying he thought -- you thought there was a lot  
5     more going on than Mr. Stiffler's history with  
6     drugs and alcohol and the evidence of smoking in  
7     the house?

8           A.     He did at one point. I don't know if  
9     it's the first or second conversation.

10                I actually kept my conversation with him  
11     very short, because I advised him, you know, John,  
12     you realize you could, you know, get entangled in  
13     this. So I really don't want to discuss much with  
14     you.

15                But after reviewing his report, he made  
16     the comment that he -- I don't know if you know,  
17     John and I were former business partners.

18           Q.     I saw that.

19           A.     And John was just coming out of the  
20     insurance industry, so I'm not gonna say I was  
21     mentoring him, but I was, you know, trying to work  
22     with the reports.

23                And he stated that he wouldn't -- he  
24     wouldn't write that report today. He shouldn't  
25     have written it as he did.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

28

1 Q. Why did he say that?

2 A. Well, I just think to the general  
3 content, there is a great potential for  
4 informational bias in his report, which he got  
5 from Karelitz, I think it is. That's the  
6 Allegheny County Fire Investigator.

7 Q. There's a great potential for  
8 information -- what did you say?

9 A. That's my comment.

10 Q. No, I didn't catch it all.

11 A. I'm just saying, there was -- he  
12 received all of his information from the Fire  
13 Marshal, didn't do any interviews and produced his  
14 report.

15 Q. He did an inspection, didn't he?

16 A. You want my opinion, did he do an  
17 inspection? I can't testify to what he did.

18 I can only testify to what the photos  
19 show and --

20 Q. Is it your understanding --

21 A. There's a lot of cigarette photos.

22 Q. Is it your understanding that he did an  
23 inspection of the home?

24 A. Yes. He was present. He took  
25 photographs. He produced the report.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

29

1           Q.    So it's your testimony that he told you  
2   he wouldn't write that report the way that he did,  
3   because he received all his information from the  
4   Fire Marshal?

5           A.    You added the last line.

6           Q.    Okay. My question to you is, why did he  
7   tell you, if he said, why he wouldn't write that  
8   report today?

9           A.    I think the general -- it was a short  
10   conversation. I don't have the time of it. But  
11   it was relative to, you didn't interview anyone.  
12   There's more to the story.

13          Q.    Okay.

14          A.    And that was his response. I think  
15   after he re-read his report, I think he -- my  
16   opinion is he realized he may have walked out onto  
17   a limb that he didn't want to be on.

18          Q.    Well, I'm less interested in your  
19   opinion about it and more interested in what he  
20   told you about it.

21                Did he say that?

22          A.    Say what?

23          Q.    That he -- that he walked out onto a  
24   limb that he didn't want to be on, in sum and  
25   substance?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

30

1           A.    No.

2           Q.    Okay. Did he tell you that he would  
3 have changed his conclusion in the report?

4           A.    No.

5           Q.    Did he tell you that he would have  
6 blamed the iPhone?

7           A.    No.

8           Q.    Did he tell you he would have blamed  
9 anything other than smoking, which is what he  
10 blamed in the report?

11          A.    He didn't refer to his conclusion.

12          Q.    Did he tell you he would have altered  
13 his conclusion?

14          A.    He simply told me he would not have  
15 written that report as he did.

16          Q.    Did he tell you he would have changed or  
17 altered his conclusion?

18          A.    He told me he would not all -- he would  
19 not have written his report as he did.

20          Q.    I understand that and that can mean a  
21 lot of different things.

22                    So I'm asking you a very specific  
23 question.

24                    Did he tell you that he would alter or  
25 change his conclusion?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

31

1           A.    No.

2           Q.    Does that, what we just talked about,  
3   cover your second conversation as well?  Because  
4   it sounds like there may have been some overlap  
5   between the two.

6           A.    Yeah, it was limited.  I'd have to  
7   refer -- there's a few texts, but it was very  
8   limited.

9           Q.    Okay.  Do you still have those text  
10  messages?

11          A.    I may.  I'll look for them.

12          Q.    And you could provide those to counsel?

13          A.    Sure.

14               MR. COPENHAVER:  All right.  We're gonna  
15  mark those as Exhibit 8.

16               (Ryhal Deposition Exhibit Number 8  
17               marked.)

18  BY MR. COPENHAVER:

19          Q.    Do you have any correspondence with  
20  Mr. Henry other than your text messages?

21          A.    No.  Well, I would in other files, but  
22  not this file.

23          Q.    Fair enough.

24               So relative to the Stiffler case, this  
25  particular fire, are your communications with



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

32

1 Mr. Henry limited to those texts?

2 A. And the phone calls, yes.

3 Q. Right.

4 I assume those weren't recorded and you  
5 can't provide those?

6 A. No.

7 Q. Okay. So other than obviously counsel,  
8 people with the Fire Marshal's office and  
9 Mr. Henry, have you spoken to anyone else about  
10 this case?

11 A. No. Well, I -- you said anyone else,  
12 correct?

13 Q. Correct.

14 A. I did speak with my son, he's a  
15 physician, relative to the medical records and the  
16 drug screen, and I believe there was a presence of  
17 methadone or some kind of drug, as to the  
18 mechanics of how that occurs.

19 And he basically told me that absent a  
20 time stamp, that those results could come from  
21 treatment. They're sort of anticipated.

22 Q. Did that have any significance to your  
23 opinions in this case?

24 A. Well, it just goes to looking at the  
25 degree -- what is the physical state of Robert

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

33

1 Stiffler when he gets to the hospital.

2 Q. And your understanding is Mr. Stiffler  
3 tested positive for opiates and benzos shortly  
4 after the fire?

5 A. After the drug screen at the hospital,  
6 yes.

7 Q. Is it your understanding that he tested  
8 positive for methamphetamine as well?

9 A. That's what I was referring to, yes.

10 Q. And so tell me again what -- well, the  
11 fact that Mr. Stiffler tested positive for  
12 methamphetamines, opiates and benzos during his  
13 drug screen the morning after the fire, what  
14 significance, if any, that had on your  
15 investigation of this case?

16 A. Well, the analysis was relative to what  
17 was his -- if any, what was his degree of  
18 intoxication or influence of drugs or alcohol at  
19 the time prior to him arriving at the hospital.

20 Q. And do you know what his level of  
21 intoxication on methamphetamines, opiates or  
22 benzos was at the time of the fire?

23 A. Well, based on what I just previously  
24 said from the inquiry I made, it was inconclusive.

25 The only thing, I recall there being --

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

34

1 he had a blood alcohol -- a lower level of blood  
2 alcohol.

3 So he had been drinking.

4 Q. He had been drinking. He tested  
5 positive for methamphetamine, opiates and benzos,  
6 but his level of intoxication at the time of the  
7 fire is inconclusive based on the records you've  
8 reviewed, is that correct?

9 A. Correct.

10 Q. And if Mr. Stiffler had been under the  
11 influence of and impaired by drugs and alcohol at  
12 the time of the fire, how would that affect your  
13 analysis?

14 A. Well, as an investigator, it's important  
15 to analyze that and review it against the  
16 statements of the individual relative to the  
17 accuracy, the dependability of the statement.

18 Q. And if the fact that Mr. Stiffler was  
19 under the influence of methamphetamines, opiates,  
20 benzos and/or alcohol, would that affect the  
21 credibility of the statements he provided?

22 A. In cases of extreme intoxication, yes.  
23 Yeah, I would strongly consider that.

24 Q. And do you know whether or not he had  
25 that level of intoxication at the time of the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

35

1 fire?

2 A. From the record that I could see, no, he  
3 didn't.

4 He had some alcohol in his blood. I  
5 don't want to say it's .04, but it wasn't anything  
6 that concerned me.

7 Q. What about his level -- what about the  
8 level of drugs in his system?

9 A. Well, he has regular medications that he  
10 takes. So, I mean, I'm not a medical  
11 professional. I won't speak to exactly what the  
12 results are.

13 But relative to the methamphetamines, in  
14 the course of his treatment, that drug panel, it  
15 was explained to me, would show up positive.

16 So without any degree of -- or level of  
17 blood -- blood level that would be determined in  
18 the screening, it's -- doesn't serve me any  
19 purpose.

20 Q. Okay. So the most you can say is that  
21 he tested positive for methamphetamine, opiates,  
22 and benzos, but you can't say whether or not he  
23 was impaired to the extent that would affect his  
24 credibility in reporting facts on the night of the  
25 incident, correct?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

36

1           A.     Correct.

2           Q.     The next thing that is asked in the  
3 notice are copies of any peer reviewed or other  
4 articles that have authored or co-authored  
5 pertinent or supporting your opinions in this  
6 lawsuit.

7                     Do you have any of those?

8           A.     I would say no.

9           Q.     Okay. Number 14 asks for any articles  
10 of any nature that you have reviewed or relied  
11 upon in connection with your opinions in this  
12 lawsuit.

13                    Other than the internet articles that  
14 you referenced earlier, and that you're gonna  
15 provide to us, do you have any other articles of  
16 any nature that you've reviewed or relied upon in  
17 connection with your opinions?

18          A.     No, I don't believe so.

19          Q.     All right. I don't think we -- I'm  
20 gonna mark as Exhibit 9 those iPhone articles that  
21 were provided to you.

22                   (Ryhal Deposition Exhibit Number 9  
23 marked.)

24 BY MR. COPENHAVER:

25          Q.     Number 15 asks for your time and billing

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

37

1 records for your work or work performed by anyone  
2 under your direction and control relative to this  
3 lawsuit.

4 Can you provide those?

5 A. Yeah. I'm a bit behind, but after this  
6 deposition, I'll provide.

7 MR. COPENHAVER: We'll mark those as  
8 Exhibit 10.

9 (Ryhal Deposition Exhibit Number 10  
10 marked.)

11 BY MR. COPENHAVER:

12 Q. How much do you charge for your time?

13 A. 150 an hour.

14 Q. And approximately how many hours have  
15 you spent on this file?

16 A. I want to say that with the report,  
17 probably around 40.

18 You said Exhibit 10, correct, Counsel?

19 Q. Exhibit 10.

20 A. Okay.

21 Q. Other than you, is there anyone under  
22 your direction or control who also worked in this  
23 case?

24 A. The only one that would be included is  
25 if I sent my wife down to get the photographs we

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

38

1     talked about.

2           Q.     Okay.

3           A.     Pick up records, things like that.

4           Q.     The last category of documents are any  
5     and all documents relied upon in preparation of  
6     your report not previously produced in discovery.

7                     Is there any other document that you've  
8     relied upon in formulating your opinions or in  
9     preparing your report other than what we have  
10    already identified and discussed?

11          A.     No.

12                    Counsel, your first name is?

13          Q.     Steve.

14          A.     Steve, what was it, Exhibit 9 was the --

15          Q.     Exhibit 9 were the iPhone articles that  
16    were provided to you.

17          A.     Thank you.

18          Q.     All right. So now that that's out of  
19    the way, let's talk a little bit about you.

20                    Can you give me your educational  
21    background, please?

22          A.     I attended Penn State and studied  
23    architecture, that involved design of buildings,  
24    structural analysis, system design, fire  
25    protection material analysis and use in building.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

39

1                   And then went and I worked in the  
2     telephone -- with a telephone company for a year  
3     and a half, two years prior to finally going into  
4     the State Police.

5                   In the State Police, of course, I went  
6     to the State Police Academy for six months and  
7     then graduated.

8                   I served 10 years on the road in patrol  
9     duties, which included -- I got involved in  
10    accident reconstruction, which would be the  
11    mathematical analysis of accidents.

12                  I spent about two-and-a-half years in  
13    criminal investigation, involving everything from  
14    homicides down to thefts.

15                  And then I began serving as -- that time  
16    period as an alternate for the Fire Marshal's  
17    Division. And then entered the Fire Marshal's  
18    Division and spent the last approximately  
19    12-and-a-half, 13 years of my career doing Fire  
20    Marshal work.

21                  Upon my retirement, I started Ryhal  
22    Associates and began investigating as a private  
23    investigator.

24                  Relative to the education in the Fire  
25    Marshal Division, I've been to the State Fire



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

40

1 Academy. I became an instructor. I developed a  
2 curriculum.

3 There was never a formal book. We  
4 produced a book back in the day. And then I was  
5 an educator.

6 I also got involved with the  
7 Pennsylvania Association of Arson Investigators.  
8 Eventually became president. Went through the  
9 various chairs, including chairman of the training  
10 committee. I was responsible for putting the  
11 training on and also at the National Fire Academy,  
12 got involved in instruction there and taught there  
13 for several years.

14 And I also developed a relationship with  
15 Dan Madrokowski as they were trying to develop a  
16 program for the National Academy on Fire Modeling,  
17 which involves, so to speak, as a guinea pig, I  
18 and another Fire Marshal in developing the fire  
19 Dynamics Program for the National Fire Academy.

20 Q. All right. So let's start at the  
21 beginning.

22 What years did you attend Penn State?

23 A. '76 to '80.

24 Q. Did you obtain a degree?

25 A. No. I think I'm two -- two classes shy

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

41

1 of a degree.

2 Q. Just out of curiosity, why did you leave  
3 two classes early?

4 A. Well, it -- I did take some classes,  
5 probably my resume doesn't read quite right. But  
6 I had classes after that. I wasn't up to my  
7 credits for a couple years. But marriage, family,  
8 children. I had two electives left.

9 And at the time, the four-year program  
10 was in a Bachelor's Degree in Design. So those  
11 credits would require me to have a project, so to  
12 speak, like, you know, I bought six of those  
13 credits when I designed my house and built it.

14 So life got busy and I had to make a  
15 decision.

16 Q. Understood.

17 What telephone company did you work for  
18 immediately after Penn State?

19 A. It was Pymatuning Telephone Company.

20 Q. What did you do for them?

21 A. I was basically a laborer, help string  
22 lines, install telephones, dig ditches, wherever  
23 they needed me.

24 Q. Okay. You've never had any experience  
25 designing or manufacturing actual phones, correct?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

42

1 A. Correct.

2 Q. And that includes phone batteries?

3 A. Correct. They were just getting the  
4 push button phones back then.

5 Q. Fair enough.

6 For the State Police work, what year did  
7 you begin serving as an alternate for the Fire  
8 Marshal Division?

9 A. It's in my resume. I want to say that  
10 that was 2002.

11 Q. Help me understand --

12 A. I'm sorry. 1992.

13 Q. '92.

14 And help me understand that transition.

15 Why did you want to seek that out? What  
16 did that involve?

17 A. Well, from day one in the State Police,  
18 I realized the value of forensics. You know, I  
19 was a patrolman that would try to take latent  
20 prints off of doorknobs or, you know, whatever the  
21 case would be, power traps.

22 I got involved in my investigations. So  
23 I loved forensics. And the fire and the  
24 architecture, together with my investigative skill  
25 sets, I believe, were a perfect fit.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

43

1           Q.    I mean, you spent approximately 12 or 13  
2    years working for the Fire Marshal's Division, if  
3    I understood that correctly?

4           A.    Correct.

5           Q.    Okay. Were you a fire investigator?

6           A.    Correct.

7           Q.    How many people were in that division?

8           A.    In the state? I would say there were  
9    probably 50 or 60 full-timers.

10          Q.    During your work for the Fire Marshal  
11    Division, did you ever investigate a fire that was  
12    determined to have been caused by a lithium ion  
13    battery?

14          A.    No.

15          Q.    Have you ever investigated a fire, other  
16    than this one, that you've determined to have been  
17    caused by a lithium ion battery?

18          A.    Yes.

19          Q.    Okay. How many times?

20          A.    I would say it's probably less than six.  
21    Doesn't necessarily mean a lithium ion battery was  
22    determined to be the cause.

23          Q.    Help me understand what you mean by  
24    that.

25          A.    Well, as a final conclusion whether or

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

44

1 not the lithium ion battery -- and I'm kind of  
2 guessing here. But I currently only have one  
3 other file that I'm working on that actually has a  
4 lithium ion batteries.

5 There was a file about a year ago where  
6 it was failure of a lithium ion battery, but the  
7 degree of damage was so significant to the battery  
8 itself that the client didn't decide to go on with  
9 it.

10 I had an E-bike fire with lithium ion  
11 batteries. Again, the client decided not to go on  
12 with an investigation to determine it.

13 Q. Let me ask you this.

14 Have you ever offered the opinion on a  
15 more-probably-than-not basis that a lithium ion  
16 battery was the cause of the fire that you were  
17 investigating?

18 A. I would have in those two last instances  
19 I referred to based on the physical damage and the  
20 localized damage to the batteries, but I wasn't  
21 asked to provide an opinion.

22 Q. And it was based upon your inspection of  
23 the batteries themselves that caused you to offer  
24 that opinion or at least you would have been it  
25 provided you had been provided that opportunity?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

45

1 A. Yes.

2 Q. There's one with an E-bike.

3 What was the first one?

4 A. What was that? It was the remote  
5 control cars.

6 A. Oh, and I also have another battery  
7 failure with their -- the cell batteries for air  
8 guns, the paintball guns.

9 Q. Is that a case in which you've  
10 testified?

11 A. I don't think I've given a deposition.  
12 That's not on my list yet.

13 Q. It's an active file?

14 A. Yes.

15 Q. You mentioned at one point you had  
16 developed some curriculum relative to or related  
17 to your work as a fire investigator.

18 Do you recall that?

19 A. Yes.

20 Q. What curriculum did you develop?

21 A. The basic fire investigation course for  
22 the State Fire Academy.

23 Q. Do you have any documents related to  
24 that curriculum in your possession?

25 A. I would have to dig through the books.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

46

1 I might be able to find it, the manual that we  
2 produced.

3 This was the early days of computer,  
4 let's put it that way.

5 Q. Fair enough.

6 I'm gonna ask you to look for that and  
7 provide it if you're able to find it. And I'm  
8 going to mark that Exhibit 11, pending its  
9 location.

10 (Ryhal Deposition Exhibit Number 11  
11 marked.)

12 BY MR. COPENHAVER:

13 Q. Do you hold any -- well, let me ask you  
14 about Ryhal and Associates.

15 When did you start that?

16 A. 2008.

17 Q. How many employees are there at Ryhal  
18 and Associates?

19 A. I currently have one investigator,  
20 certified investigator; two assistants. One's  
21 sort of seeking a retirement mode in Florida.

22 And then I have a girl that does office  
23 administration, billing, that sort of thing,  
24 payroll.

25 Q. Are you the principal and sole owner of

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

47

1 Ryhal and Associates?

2 A. Correct.

3 Q. Other than testifying in fire cases,  
4 does Ryhal and Associates do anything else?

5 A. Not too often. I mean, I have a private  
6 detective license, so I've done some private  
7 detective work, but my fire caseload keeps me  
8 pretty busy.

9 I did do -- an engineer was retiring, I  
10 did do an accident reconstruction in Pittsburgh  
11 for a fatal traffic accident.

12 Q. On a percentage basis, how much of Ryhal  
13 and Associates' work is related to fire  
14 investigation?

15 A. Currently I would say 99 percent.

16 Q. And of those, is it all civil?

17 A. I have -- on a couple of occasions, the  
18 State Police have asked me to testify relative to  
19 a criminal prosecution.

20 Q. How much of your fire investigation work  
21 for Ryhal and Associates is criminal in nature?

22 A. Are you asking the percentage of  
23 incendiary fires?

24 Q. So my question is, how much is your work  
25 on behalf of -- or in the context of criminal



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

48

1 investigation as opposed to a civil lawsuit?

2 A. We're talking less than half a percent.

3 I mean, there's only been a couple of occasions.

4 I can only think of one right now where

5 I was actually the private investigator in that

6 file.

7 Q. And of the civil work -- it sounds like

8 that's the predominant type of work performed by

9 your company.

10 How much of that is on behalf of a

11 plaintiff, either a personal injury plaintiff or

12 an insurance plaintiff?

13 A. It's probably somewhere in the

14 70 percent range, maybe 80.

15 Q. There's still 20 to 30 percent that is

16 on behalf of defendants. Can you help me

17 understand why?

18 I think we identified only one instance

19 in which you've provided testimony on behalf of a

20 defendant.

21 A. The files resolved, the files go away.

22 Q. For the work that you have done on

23 behalf of plaintiffs, how much is that on behalf

24 of insurance companies in subrogation cases as

25 opposed to personal injury plaintiffs?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

49

1 A. Versus personal injury claims?

2 Q. Correct.

3 A. 95 percent.

4 Q. 95 percent subro work?

5 A. Yeah. There's not too much in the way  
6 of personal injury.

7 Q. Have you ever testified on behalf of a  
8 personal injury plaintiff?

9 A. I can't think of any.

10 Q. Okay. Have you ever done any work with  
11 the Santicola firm?

12 A. No.

13 Q. Do you do any teaching?

14 A. I did. I haven't since I started my  
15 private business. But I taught at the National  
16 Fire Academy, the State Fire Academy.

17 I taught locally at the community  
18 colleges. Currently, no.

19 Q. And that's in the last 14 or so years?

20 A. There may be a few instances where I  
21 taught after retirement, but I would say generally  
22 no.

23 Q. Okay. Have you ever published anything  
24 on fire investigation?

25 A. No.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

50

1           Q.    Okay.  Do you currently hold any  
2   licenses or certifications other than a private  
3   investigator license?

4           A.    Well, my certification for fire  
5   investigation was back to the National  
6   Professional Qualifications System when I was in  
7   the State Police.

8                   This certification as a fire  
9   investigator.  This is a certification as an  
10  instructor.

11          Q.    Are those things that are time limited  
12  or lapse or are those active today?

13          A.    I don't believe they are time limited.

14          Q.    Are there any continuing ed requirements  
15  to maintain those?

16          A.    I'm not aware.

17          Q.    Have you ever performed any type of  
18  forensic testing on cell phones?

19          A.    No.

20          Q.    Have you ever performed any type of  
21  forensic testing on phone batteries?

22          A.    You're saying me personally, not being  
23  present --

24          Q.    I'm asking you personally.

25          A.    No.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

51

1 Q. I bet you can guess what my follow-up  
2 question is going to be.

3 Have you ever been present while anyone  
4 else has performed any type of forensic testing on  
5 phones or their batteries?

6 A. Yes.

7 Q. Okay. How many times?

8 A. It would be a wild guess, but I would  
9 say a dozen would be fair.

10 Q. Can you give me the context?

11 A. Generally it'd just be a battery that --  
12 a lithium ion battery generally that is in the  
13 area of origin that's examined as a matter of a  
14 forensic examination allowed.

15 Q. Got it.

16 So this would be a post incident lithium  
17 ion battery that was found in either the room or  
18 area of origin that underwent sort of typical  
19 artifact examination after recovery from a scene,  
20 is that correct?

21 A. Correct.

22 Q. Would it have included anything other  
23 than visual, photographic or radiographic  
24 examination of the device?

25 A. I would say it would be limited to that.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

52

1 Q. What's a live burn exercise?

2 A. So generally we would build cells, small  
3 room, you would arrange the furniture, electronics  
4 if you were gonna demonstrate arc mapping and then  
5 set the fire, document it. And then have the  
6 investigators come in afterwards and investigate  
7 it.

8 Q. Have you ever done any experiments or  
9 live burn exercises involving cell phones?

10 A. No.

11 Q. Have you ever done any experiments or  
12 live burn exercises regarding cell phone lithium  
13 ion batteries?

14 A. No.

15 Q. What about any other kind of lithium ion  
16 batteries?

17 A. No.

18 Q. What's a battery thermal event?

19 A. So a battery's thermal event is a  
20 failure of the battery. It's a chemical reaction  
21 where the battery heats up because all the  
22 fuels -- my understanding, all the fuels are  
23 present that results in a battery failure.

24 Q. So one more time. What's your  
25 understanding of how a battery thermal event

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

53

1 actually happens?

2 A. I don't understand -- I couldn't state  
3 the chemical reaction, but I believe it's a  
4 chemical reaction.

5 Q. And what precipitates the chemical  
6 reaction?

7 A. A failure -- an internal failure within  
8 the membrane of the cells of the battery.

9 Q. What type of failure?

10 A. I think that the insulating material  
11 becomes compromised in some way.

12 Q. And what effect does that have?

13 A. Well, the effect of would be that the  
14 battery produces enough energy to ignite the  
15 combustible materials.

16 Q. Well, so that's the battery thermal  
17 event.

18 I'm more interested in what's going on  
19 inside of a battery, to your understanding, that  
20 would cause that to happen?

21 A. I would say I'd stay in my lane and say  
22 I'm gonna limit it to what I just gave you.

23 Q. To what?

24 A. Stay in my lane and I'm gonna limit it  
25 to what I told you, that it's a chemical reaction

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

54

1 of the battery due to a fail -- internal failure.

2 Q. And beyond that, you lack the ability to  
3 dig down any greater detail and provide greater  
4 detail as to the actual mechanism of the battery  
5 thermal event beyond what you just provided?

6 A. Correct.

7 Q. Can external damage to a battery cause a  
8 battery thermal event?

9 A. I would believe that could be a  
10 contributing factor, yes.

11 Q. Can exposure to external heat sources  
12 cause a battery thermal event?

13 A. I believe that could be possible, yes.

14 Q. Are there other things that you're aware  
15 of that can cause a battery thermal event?

16 A. The introduction of water.

17 Q. Okay. Anything else?

18 A. Overcharging.

19 Q. Anything else that --

20 A. That would be a failure of the battery's  
21 ability to maintain its voltage.

22 Q. Anything else that you're aware of?

23 A. I think we covered it.

24 Q. Okay. Have you reviewed any literature  
25 that you can cite to me on the cause of or

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

55

1 mechanism of battery thermal events involving  
2 lithium ion battery?

3 A. Other than in this instance I used the  
4 information provided by Apple that it's possible.

5 Q. And the information provided by Apple  
6 were the instances in which -- that we talked  
7 about earlier in which consumers on that -- on  
8 that chart reported instances of claimed battery  
9 thermal events on their products?

10 A. Correct.

11 Q. Anything beyond that?

12 A. No.

13 Q. Have you ever caused a cell phone to go  
14 thermal?

15 A. No.

16 Q. Have you ever inspected an iPhone 6S or  
17 a 6S Plus?

18 A. No.

19 Q. Have you ever tested an iPhone 6S Plus?

20 A. No.

21 Q. Have you ever take apart and looked at  
22 the components of an iPhone 6S Plus?

23 A. No.

24 Q. Have you ever reviewed any documents  
25 concerning the design off an Apple iPhone 6+?



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

56

1 A. No.

2 Q. Do you know whether or not the iPhone 6+  
3 is certified for compliance with any industry or  
4 safety standards?

5 A. The information provided in  
6 Mr. Hoffman's expert report makes several  
7 references to standards that they comply with.

8 Q. Do you know what those standards are?

9 A. I couldn't cite them to you, no.

10 Q. Do you know what they require?

11 A. No.

12 Q. Do you know what design features the  
13 iPhone 6S Plus has to protect against battery  
14 thermal events?

15 A. The specifics, no.

16 Q. Have you reviewed any testing  
17 documents -- or I'm sorry, certification documents  
18 for the iPhone 6S Plus?

19 A. No.

20 Q. Have you reviewed any testing documents  
21 regarding testing of an iPhone 6S Plus devices  
22 performed by anyone other than yourself?

23 A. No.

24 Q. Can you describe for me the type of  
25 battery that's in an iPhone 6S Plus?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

57

1 A. Not familiar with it.

2 Q. Do you know what it's made out of?

3 A. I believe it's a book of business.

4 Q. But beyond that?

5 A. I do not.

6 Q. Do you know the form of lithium inside  
7 the battery?

8 A. I do not.

9 Q. Do you know the construction of the  
10 battery itself?

11 A. I do not.

12 Q. Do you know how many cells are in the  
13 lithium ion battery inside an 6S Plus?

14 A. I do not.

15 Q. Okay. All right. I told you we're  
16 going to take a break on the hour. That's  
17 apparently a lie. It's now 20 after.

18 Are we good for five minutes?

19 MR. SANTICOLA: Sure.

20 (Recess - 11:21 a.m. - 11:29 a.m.)

21 BY MR. COPENHAVER:

22 Q. All right. Mr. Ryhal, we're back from a  
23 quick break.

24 Are you okay to continue?

25 A. Yes.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

58

1 Q. When were you retained in this case?

2 A. I think I was actually retained in 2021.

3 Q. And as part of your file, you have the  
4 report from Mr. Henry, from the Recon Group. You  
5 mentioned you and Mr. Henry had a prior business  
6 relationship or professional relationship of some  
7 sort?

8 A. Correct.

9 Q. What is that?

10 A. When John decided to come out of the  
11 insurance industry and called me and wanted me to  
12 lead the fire investigations and so I agreed to  
13 it.

14 And then we worked together about a year  
15 and a half and our business styles and -- let's  
16 just say our business plans didn't agree with each  
17 other.

18 Q. Did you work for Recon Group?

19 A. Yeah. I was vice-president of fire  
20 investigations. Whatever it was.

21 Q. And what was Mr. Henry's role?

22 A. Well, he was the president. And at the  
23 time, he was leading -- basically conducting the  
24 private detective work.

25 So he had a lot of clients, for example,

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

59

1 in the coal industry in West Virginia and he would  
2 do background investigations and that sort of  
3 thing.

4 Q. And he is also a certified fire  
5 investigator?

6 A. Yes. He got his certification, yes.

7 Q. Do you believe him to be a competent  
8 fire investigator?

9 A. Yeah, John's a good investigator.

10 Q. Okay. His report is dated August 15,  
11 2018, is that right?

12 A. Forgive me for a second. I was trying  
13 to get my glasses to go from sunlight to office.

14 Q. Fair enough.

15 A. August 15, 2018, correct.

16 Q. Okay. And you understand that Mr. Henry  
17 conducted an origin of cause investigation for  
18 this fire on behalf of the Stifflers' insurance  
19 company?

20 A. Motorist group, yep.

21 Q. And that was to identify whether or not  
22 there could be a potential subrogation action to  
23 recoupe some of the monies that the company paid  
24 out pursuant to the policy, right?

25 A. Correct. Or an intentionally set fire.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

60

1 I mean, that's always part of the equation. It's  
2 not simply subrogation.

3 Q. Sure.

4 It's to determine whether or not they  
5 need to pay out money; and if so, whether they can  
6 recoupe it from an at-fault entity, right?

7 A. Correct.

8 Q. Okay. What was the date of the fire?

9 A. The date of the loss, I thought, was  
10 August 15th, was it? No. No. No. What was it?

11 Q. August 15th is the date of his report.

12 A. July 16th.

13 Q. Okay. And Mr. Henry's origin and cause  
14 of the investigation was conducted shortly after  
15 that fire?

16 A. I believe the following day.

17 Q. As part of that investigation, he  
18 conducted an inspection of the scene I think we  
19 discussed, right?

20 A. Correct.

21 Q. And he took some photographs, correct?

22 A. Correct.

23 Q. And he talked with the Stiffilers, right?

24 A. No. I don't believe he did.

25 Q. Okay. It's your understanding that he

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

61

1 didn't perform any interviews with the insureds?

2 A. I'm referring to the report.

3 Q. Sure.

4 I'm gonna refer you to the second page  
5 of the report, the second full paragraph, where he  
6 says, based upon my interviews with the insureds.

7 A. Correct.

8 Q. So he interviewed the Stiffles?

9 A. Yes.

10 MR. SANTICOLA: I'm sorry to interrupt  
11 you, Steve.

12 Just before you're talking about the  
13 Stiffles, Mr. and Mrs. Stiffle, not all of them?

14 MR. COPENHAVER: The insureds.

15 MR. SANTICOLA: Yeah, I gotcha. Okay.

16 BY MR. COPENHAVER:

17 Q. Okay. So he interviewed the Stiffles,  
18 the insureds, correct?

19 A. Correct.

20 Q. And conducted a scene examination of the  
21 incident scene?

22 A. Correct.

23 Q. Neither of which are things that you  
24 did, correct?

25 A. Correct.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

62

1 Q. All right. And Mr. Henry found ample  
2 evidence of careless smoking in various rooms of  
3 the structure, correct?

4 A. In one room of the structure, yes, he  
5 did.

6 Q. Well, I'm reading from his report.

7 Ample evidence of careless smoking in  
8 various rooms of the structure, correct?

9 A. That's what his report says. That's not  
10 my analysis of what he reported, what I saw in the  
11 photographs.

12 Q. He was there at the scene, you were not,  
13 correct?

14 A. Yes.

15 Q. All right. And what he reports is that  
16 he found, based upon his examination of the scene  
17 at which you were not present, he found ample  
18 evidence of careless smoking in various rooms of  
19 the structure, correct?

20 A. That's what he reports, correct.

21 Q. Okay. He also determined that  
22 Mr. Stiffler's bedroom underwent flashover during  
23 the fire, correct?

24 A. Correct.

25 Q. What's a flashover?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

63

1           A.     Flashover is when basically all of the  
2     components of the room ignite and were decomposed  
3     from the heat of the fire.

4           Q.     Okay. And based upon the condition of  
5     the room, Mr. Henry was unable to identify a  
6     particular point of origin within the room,  
7     correct?

8           A.     That's his conclusion, yes.

9           Q.     And does flashover affect the ability to  
10    identify a particular point of origin?

11          A.     It can, yes.

12          Q.     And it can because it can cover up or  
13    otherwise change fire patterns that were present  
14    prior to flashover?

15          A.     It can obliterate patterns and it  
16    involves the introduction of air entrainment to  
17    alter the patterns.

18          Q.     In addition to the sunroom, Mr. Henry  
19    found cigarette butts in the kitchen garbage,  
20    correct?

21          A.     Yes. Appeared -- well, he did find  
22    them -- I believe his pictures do show that.  
23    You're correct.

24          Q.     And he found cigarette butts on the  
25    floor in the basement, correct?



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

64

1           A.    He found a couple, yep.

2           Q.    All right.  Is that consistent in your  
3 view with responsible disposal of smoking  
4 materials?

5           A.    I believe the manner that the Stifflers  
6 were disposing of their cigarette butts was not  
7 safe.

8           Q.    Okay.  Is there -- when you say not  
9 safe, is there a risk associated with careless  
10 disposal of smoking materials, cigarette butts?

11          A.    Yes.  They can, if not probably  
12 extinguished, ignite either a large container of  
13 cigarette butts and/or combustible materials if  
14 there's sufficient fuel surrounding them.

15          Q.    Okay.  Based upon Mr. Henry's inspection  
16 of the scene, the photographs he took and  
17 reviewed, his interviews with the Stifflers,  
18 Mr. Henry concluded that the most probable cause  
19 of the fire was careless handling of ignited  
20 smoking materials.

21                   True?

22          A.    Correct.

23          Q.    All right.  Did you also review the  
24 report by a Deputy Fire Marshal Karelitz?

25          A.    Yes, I did.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

65

1 Q. Do you know Deputy Karelitz?

2 A. Not real well. I know most of the guys  
3 pretty well, but he's newer to me.

4 Q. I'm mostly just asking whether or not  
5 I'm pronouncing his name correctly.

6 A. I think that's fair.

7 Q. Now, Deputy Karelitz also inspected the  
8 scene in order to conduct an origin and cause of  
9 the investigation, correct?

10 A. Correct.

11 Q. And his analysis, like Mr. Henry's,  
12 included interviews, right?

13 A. Correct.

14 Q. And he conducted a fire pattern  
15 analysis?

16 A. Correct.

17 Q. And he also inspected all pre-fire  
18 available ignition sources within the general area  
19 of origin, right?

20 A. I believe that's correct.

21 Q. And Deputy Karelitz found smoking  
22 materials within what he believed to be the area  
23 of origin, correct?

24 A. I believe if that includes the pipe --

25 Q. Again, I'm reading from his report.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

66

1 Deputy Karelitz found smoking materials within the  
2 area of origin, correct?

3 A. Please repeat your question.

4 Q. Sure.

5 Deputy Karelitz found smoking materials  
6 within the area of origin, correct?

7 A. Deputy Karelitz found a pipe in the area  
8 of his origin, I believe, based on how he report  
9 his report, correct.

10 Q. Does the sentence, smoking materials  
11 were observed within the area of origin, appear in  
12 Deputy Karelitz's investigation report?

13 A. Yes.

14 Q. All right. So Deputy Karelitz found  
15 smoking materials within the area of origin.

16 True?

17 A. In his area of origin, correct.

18 Q. All right. And his area of origin was  
19 in Robert Stiffler's bedroom, right?

20 A. Correct.

21 Q. And that's your area of origin as well,  
22 correct?

23 A. Correct.

24 Q. Do you disagree that there were smoking  
25 materials in Mr. Stiffler's bedroom?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

67

1           A.    No, I believe I discussed them in my  
2   report though.

3           Q.    You've discussed the pipe, right?

4           A.    Correct.

5           Q.    And the pack of Marlboro cigarettes?

6           A.    Correct.

7           Q.    So there were smoking materials in  
8   Mr. Stiffler's bedroom?

9           A.    Correct.

10          Q.    And smoking materials are a competent  
11   ignition source as Detective Karelitz found,  
12   correct?

13          A.    That's what he opined, yes.

14          Q.    Do you not believe smoking materials are  
15   a competent ignition source?

16                I thought we just talked about the risks  
17   of carelessly disregarded smoking materials.

18          A.    Yeah, I believe they can be a competent  
19   ignition source.

20          Q.    It's important for something to be a  
21   competent ignition source, because if it's not a  
22   competent ignition source, it can't be the source  
23   of any ignition?

24          A.    Correct.

25          Q.    Deputy Karelitz reported that the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

68

1 combined opinion of the fire scene investigators  
2 is that the fire was caused by careless smoking.

3 Do you recall that?

4 A. Yes.

5 Q. All right. And he, in fact, eliminated  
6 all other potential ignition sources.

7 True?

8 A. He believes he did, yes.

9 Q. Okay. In fact, he said that all  
10 ignition sources in the area of origin -- which  
11 again is Mr. Stiffler's bedroom, right?

12 A. Correct.

13 Q. All right. All ignition sources within  
14 the area of origin were identified, examined  
15 and/or considered.

16 Is that what he reports?

17 A. Where did you get that in the report?

18 Q. So I'm under the -- on page 4 of the  
19 report under potential ignition sources.

20 A. You're looking at a PDF?

21 Q. I am.

22 So I don't know if your page numbers are  
23 correct, but it's the fourth page of the PDF.

24 A. You'll have to forgive me, Steve. I  
25 don't have any page numbers.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

69

1 Q. I don't either.

2 So it says narrative at the top of it.

3 Narrative, paren, two and then the second to last  
4 section is potential ignition sources.

5 A. Got it. Thank you.

6 Q. Uh-huh. And I'll just read it for the  
7 record, it says, examinations were conducted in  
8 effort to identify the pre-fire available ignition  
9 sources within the general area of origin.

10 All ignition sources in the area of  
11 origin were examined, identified and/or  
12 considered.

13 Do you see that?

14 A. Yep.

15 Q. And that's something Deputy Karelitz and  
16 his team conducted and you were not able to do  
17 because you weren't involved or present at the  
18 scene, correct?

19 A. Correct.

20 Q. All right. And it mentions that there  
21 was external heat and fire damage only to those  
22 items.

23 Do you see that?

24 A. Yes.

25 Q. And that there were no indication of any

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

70

1 failures or malfunctions of those items.

2 Do you see that?

3 A. Yes.

4 Q. And Deputy Karelitz and his team  
5 eliminated all ignition sources, other than the  
6 carelessly disregarded smoking materials, correct?

7 A. Correct.

8 Q. So I want to see if you agree with me  
9 here.

10 Are you aware of any other fire  
11 investigators, other than Deputy Karelitz and  
12 Mr. Henry, who conducted an actual fire  
13 investigation of the scene and interviewed the  
14 Stiffeners?

15 A. No, other than the police interaction,  
16 whatever that was, no, I don't believe so. And  
17 the fire department.

18 Q. Did they conduct an origin of cause  
19 investigation?

20 A. I don't believe so.

21 Q. So do you agree that the only two people  
22 to have conducted an origin of cause investigation  
23 that involved going to the scene, performing a  
24 scene examination, evaluating potential ignition  
25 sources and discussing this case with the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

71

1 Stifflers were Mr. Henry and Deputy Karelitz?

2 A. Correct.

3 Q. Okay. And both of them determined that  
4 the likely cause of this fire was carelessly  
5 discarded smoking materials, correct?

6 A. Correct.

7 Q. And Deputy Karelitz, in fact, considered  
8 and excluded all other potential ignition sources  
9 within the area of origin.

10 True?

11 A. Correct.

12 Q. Did anyone look at the iPhone?

13 A. It's not reported that anyone looked at  
14 the iPhone.

15 Q. Do you know one way or the other?

16 A. All I can tell you is it's not reported  
17 that anyone looked at the iPhone.

18 Q. Do you know whether it was included in  
19 Deputy Karelitz's artifacts inspection?

20 A. From what I can read in his report or  
21 recall, I haven't read it recently, he didn't  
22 identify the iPhone.

23 Q. Has anyone identified the iPhone in the  
24 house at all, the physical remnants of it?

25 A. Yes.



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

72

1 Q. Who's that?

2 A. Me.

3 Q. Well, you weren't there.

4 A. It's in the photographs.

5 Q. Okay. Has anyone conducted an  
6 inspection of the iPhone, to your knowledge?

7 A. Not to my knowledge, no.

8 Q. Has anyone x-rayed it?

9 A. No.

10 Q. Any CTs of it that you're aware of?

11 A. No.

12 Q. Any microscopy?

13 A. No.

14 Q. Any photographs of it that allow you to  
15 draw any conclusions as to its condition?

16 A. No.

17 Q. While we're at it, can you point me to  
18 the photos that you believe depict the iPhone?

19 A. I always find it amazing in these  
20 depositions how you can know your report front and  
21 back but can't find it now.

22 You're looking at PDF?

23 Q. I am.

24 A. Page 24?

25 Q. Okay.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

73

1           A.    If you look in the lower right, off the  
2   edge of the table, there appears to be the remains  
3   of a rectangular-shaped object similar to an  
4   iPhone.

5           Q.    So this is what I'm looking at. I'm on  
6   page 24, PDF 24.

7                   Is this the photograph you're looking  
8   at?

9           A.    Look at the page numbers at the bottom.  
10   23, 24.

11          Q.    All right. So I'm looking at the --  
12   page 24 of 33 of your report. It's the 25th page  
13   on the PDF, which we will go ahead and mark as  
14   Exhibit 11.

15                   (Ryhal Deposition Exhibit Number 11  
16                   marked.)

17   BY MR. COPENHAVER:

18          Q.    And I'm looking at a photo that's figure  
19   Henry 166.

20                   Do you see that?

21          A.    Correct.

22          Q.    All right. And where on this image is  
23   what you believe is a rectangle similar in size to  
24   an iPhone?

25          A.    Let's see, you go to 5:00. Right there.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

74

1 You were just on it. It's right there.

2 Q. This?

3 A. Yep.

4 Q. Do you have a better image of this?

5 A. That's Henry's photo. That's --

6 whatever resolution it is may be better.

7 My image is better than yours, but I've

8 got a large screen TV, so --

9 Q. I just think that it's the fact that  
10 it's in -- I don't know, I'm sure a PDF has been  
11 compressed a few times.

12 Why is it that you believe whatever it  
13 is we're depicting here or is depicted here is an  
14 iPhone?

15 A. Based on its physical characteristics  
16 and shape.

17 Q. The fact that it's a rectangle?

18 A. Yeah, and it has a rounded edge to it.  
19 You know, it's similar in size to an iPhone. I  
20 believe it's there on the table.

21 This is the table that sat next to the  
22 bed as described by Mr. Stiffler where he had the  
23 iPhone.

24 Q. So if we assume for purposes of the  
25 question that that is an iPhone, and I'm still

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

75

1     having trouble seeing it, what significance does  
2     that have to you, other than the fact that there  
3     was an iPhone on the table?

4             I mean, is there anything about the  
5     condition or depiction of the iPhone that is of  
6     any significance to your evaluation other than the  
7     fact that it was present?

8             A.    And it's collapsed down onto the floor  
9     on the table, which is in the general area of  
10    origin that I believe is on the west side of the  
11    bed.

12            Q.    Right.  So that's what I meant by  
13    present.

14                    That it was present in what you believe  
15    to be the general area of origin.

16                    But in terms of the condition of the  
17    iPhone, is there anything of significance to your  
18    evaluation based upon the depiction of the iPhone,  
19    that's what it is, as it appears in this  
20    photograph in your report?

21            A.    Only that it's -- it appears  
22    potentially -- well, not potentially.  I believe  
23    it is -- looks like a phone to me and it's  
24    present.

25                    The question was drawn up or asked by

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

76

1 Hoffman in his report whether or not the iPhone  
2 was even in the room.

3 Q. Okay. And if this is the iPhone, its  
4 significance to your evaluation is that it appears  
5 to have been present on this table?

6 A. One of the potential ignition sources  
7 identified by the Stifflers.

8 Q. Okay. And to your knowledge, was that  
9 iPhone ever retained?

10 A. To my knowledge, no.

11 Q. It was never made available to you to  
12 inspect?

13 A. No.

14 Q. Would you have done so if you were  
15 provided that opportunity?

16 A. Yes.

17 Q. Why?

18 A. Because it would have permitted further  
19 analysis of the device and the other components  
20 that were located with it.

21 Q. What could it have told you?

22 A. Potentially if there was an internal  
23 failure of the phone.

24 Q. And in the absence of having that to  
25 inspect, you were not able to evaluate whether or

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

77

1 not there's an internal failure of that phone,  
2 correct?

3 A. Correct.

4 Q. Does this report that we're looking at,  
5 which has been marked as Exhibit 11, and which is  
6 dated May 16th, 2022, contain all of the opinions  
7 that you reached in this case?

8 A. You're referring to my report, correct?

9 Q. That's correct.

10 And just so we're clear, I moved to the  
11 top of the page what we've marked as Exhibit 11,  
12 is dated May 16, 2022, prepared by Robert G. Ryhal  
13 and it's a 34-page document.

14 A. Correct.

15 Q. Does that contain all of the opinions  
16 you've reached in this case?

17 A. To date -- to that date, yes.

18 Q. Are those opinions final based upon the  
19 information available to you?

20 A. At this time.

21 If there's other information that would  
22 become available, would strengthen or potentially  
23 I don't think change my position as to what I  
24 believe the ignition scenario is, but may be  
25 supportive.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

78

1 Q. Did you offer any supplemental or  
2 additional report other than this one?

3 A. Not as of today.

4 Q. Have you been asked to do so?

5 A. No.

6 Q. Do you have opinions that you intend to  
7 express, if there's a trial in this matter, other  
8 than those contained in the report that we marked  
9 as Exhibit 11?

10 A. Not based upon where I am today with the  
11 information I've been provided with.

12 Q. Okay. Do you anticipate doing any  
13 additional work on this case?

14 A. I'm not aware of any additional that I  
15 would be doing.

16 Q. Did you formulate any opinions based  
17 upon your review of Dr. Hoffman's report?

18 A. No. I received Dr. Hoffman's report --  
19 actually I just recently reviewed it. I believe  
20 it was Friday I reviewed his report.

21 Q. Did you generate any opinions responsive  
22 to that report?

23 A. To my client? No.

24 Q. What about to yourself?

25 A. Yes.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

79

1 Q. What are those opinions?

2 A. He is relying upon informational bias,  
3 which it permeates the Fire Marshal and Henry's  
4 report and he repeats it.

5 I also found it surprising that he  
6 basically accuses me of being a defense -- we'll  
7 use the word lackey as, you know, a kind word.

8 But at the same time in his analysis of  
9 things, he fails to address the fact that Apple  
10 produced records which show that the iPhone is  
11 capable of having a thermal event.

12 So the prejudice that he's accusing me  
13 of in actuality I believe he's guilty of it  
14 himself.

15 But basically he has taken the word --  
16 the investigations of the Fire Marshal and  
17 Mr. Henry, which was extremely biased because of  
18 the informational process of it that was received  
19 by Henry is from Karelitz.

20 So that idea that this was a  
21 smoking-related fire, that the insured is a drug  
22 addict, a drunkard, permeated the reports and that  
23 causes them to not, I guess, analyze the potential  
24 ignition sources in the room of origin in a  
25 reasonable manner that I would expect them to.



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

80

1           Q.    All right.  What didn't they do for the  
2   other potential ignition sources in the room that  
3   you believe would have been a reasonable  
4   investigation?

5           A.    He should have put the brakes on and  
6   waited and interviewed Robert Stiffler when he was  
7   ready to talk, then went back in and conducted the  
8   scene examination.

9           Q.    Anything else from Hoffman?

10          A.    I mean, he cites that the particular  
11   battery in question, I believe, was x-rayed as  
12   part of their procedures.

13                He spends considerable time on the  
14   2 percent battery level as reported by Robert  
15   Stiffler, but he doesn't acknowledge or address  
16   the fact that the battery maintenance system could  
17   be compromised and/or the thermal temperature in  
18   the battery itself could alter that.

19                I'm not sure of the specifics but I  
20   believe that it has a battery maintenance system  
21   most likely from my understanding of these battery  
22   systems and he doesn't address that issue.

23                He only uses that as the reason why it's  
24   excluded.

25          Q.    I don't understand any of that.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

81

1                   So he doesn't acknowledge or address  
2   that the BMU could be compromised -- are you  
3   saying the BMU was compromised?

4                   Well, let's back up. What's a BMU?

5           A.   Well, the BMU is the battery management  
6   system. You're managing the battery health charge  
7   and discharge, that kind of thing.

8                   I do have a general understanding that  
9   that's what occurs with these batteries. And if  
10   that system fails, and there's a compromise to the  
11   battery, you can have a thermal event and a  
12   chemical reaction.

13          Q.   You're not saying that's what  
14   happened --

15          A.   He doesn't address --

16          Q.   Hold on. I'll let you finish, but I  
17   just want to make sure I'm clear.

18                   You're not saying that's what happened  
19   on this phone. You're saying he didn't address  
20   it, is that right?

21          A.   Right. Right.

22          Q.   Okay. Continue.

23          A.   So, again, I was talking about  
24   informational bias and the accusations that he  
25   leveled in his report.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

82

1 I would say he's equally guilty of it,  
2 because he hasn't -- he didn't address those  
3 issues. He just skimmed over them.

4 You asked me my opinion of reading his  
5 report and, you know, he threw an insult out in  
6 that report towards me and I think -- he's the pot  
7 calling the kettle black. That's how I look at  
8 it.

9 He doesn't say anything -- of all of the  
10 photos available to him, he talks about flashover  
11 and how it obliterates all patterns.

12 But the patterns that do exist, that can  
13 be analyzed outside of ventilation patterns, he  
14 doesn't address either. He ignores all of that.

15 Q. How does the battery management system  
16 relate to his 2 percent battery level comment, if  
17 you know?

18 A. He's solely relying on the statement of  
19 Mr. Stiffler that that battery only had 2 percent  
20 based on his testimony.

21 Q. Do you not believe the phone had  
22 2 percent battery?

23 A. I believe that Mr. Stiffler reported  
24 that the battery was reporting it had 2 percent.  
25 He also reported that the battery was hot. He

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

83

1     also reported it began to charge.

2           Q.     Do you have any information to suggest  
3     the battery was -- was at anything other than a  
4     2 percent charge at the time that Mr. Stiffler  
5     plugged it in?

6           A.     I don't.

7           Q.     Do you dispute that the battery was at a  
8     2 percent charge when it was plugged in?

9           A.     Well, I raise the question that --  
10    solely relying on Stiffler. So I am disputing it.  
11    Yeah, I'm disputing that it could not be at  
12    2 percent.

13          Q.     Well, I'm asking you -- do you have an  
14    opinion of what it was at?

15          A.     All I can state is that Stiffler  
16    reported it as 2 percent and the previous comments  
17    relative to the thermal heat that he was  
18    reporting. It began charging.

19          Q.     Do you have any information anywhere in  
20    the record to suggest that the battery was at  
21    anything other than 2 percent state of charge when  
22    it was plugged in?

23          A.     No.

24          Q.     Do you intend to offer the opinion that  
25    the battery was anything other than at the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

84

1 2 percent state of charge when it was plugged in?

2 A. I wouldn't be offering that sort of  
3 opinion, no.

4 Q. How long was it plugged in before the  
5 fire occurred?

6 A. I believe Mr. Stiffler guesses five  
7 minutes.

8 Q. Do you have any idea of what percent can  
9 be added to the battery in a four-to-five-minute  
10 period of time after being plugged in when it  
11 starts at a 2 percent state of charge?

12 A. I mean, I can only say from my personal  
13 experience of my phones, it couldn't be more than  
14 5 or 10 percent.

15 Q. Have you ever conducted any type of  
16 analysis whatsoever to determine whether or not a  
17 battery thermal event on a battery that's at a,  
18 for example, 10 percent state of charge is a  
19 competent ignition source for any type of fuel?

20 A. No.

21 Q. Are you aware of any studies performed  
22 by anyone else to determine whether or not an  
23 iPhone at that low state of charge is a competent  
24 ignition source if there's a battery thermal  
25 event?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

85

1           A.    No, I'm not aware of any.

2           Q.    Do you know whether -- strike that.

3                    Do you have an opinion, based upon  
4 anything that you can cite to, that a battery with  
5 that low state of charge is a competent ignition  
6 source if it undergoes a battery thermal event?

7           A.    Please repeat the question.

8           Q.    Yeah, it's probably a bad one.

9                    So if Mr. Stiffler's iPhone was at a  
10 2 percent state of charge at the time he plugged  
11 it in and it charged for a period of five minutes  
12 and remained as we discussed at a relatively low  
13 state of charge, are you aware of any testing,  
14 experiments, literature or any other basis to say  
15 that that device would be a competent ignition  
16 source at that low state of charge if it underwent  
17 a battery thermal event?

18          A.    Your question is after assuming that  
19 level of charge and charging it, would I expect it  
20 to be a competent ignition source?

21          Q.    Correct.

22          A.    I'm not sure that I can say one way or  
23 the other.

24          Q.    Okay. What's NFPA 921?

25          A.    The guide for fire and explosion

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

86

1 evaluation investigations.

2 Q. What does NFPA stand for?

3 A. National Fire Protection Association.

4 Q. Is it sort of the -- sets out the best  
5 practices for origin and cause investigations?

6 A. That's correct.

7 Q. Is it a guide that you typically follow  
8 in your practice?

9 A. Yes.

10 Q. It's sort of the industry standard for O  
11 and C investigations, correct?

12 A. I wouldn't say standard areas.  
13 Recommendations.

14 Q. They are recommendations that you think  
15 are good to follow in conducting a competent  
16 origin of cause investigation.

17 Fair?

18 A. If applicable to the investigation  
19 that's underway.

20 Q. Sure.

21 And NFPA says if you can't determine an  
22 origin, then generally cause can't be determined,  
23 correct?

24 A. Correct.

25 Q. Do you agree with that?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

87

1           A.     Yes.

2           Q.     And under NFPA, there are three  
3 categories of information that are important to an  
4 origin opinion.

5                     And those are witness testimony, fire  
6 patterns and fire dynamics, is that right?

7           A.     Correct.

8           Q.     Okay. Let's sort of take those in  
9 order.

10                    Did you interview any witnesses in  
11 connection with forming your opinions as to  
12 origin?

13           A.     Well, I reviewed the deposition of the  
14 principals and spoke with my client about specific  
15 questions I had relative to the witness  
16 statements.

17           Q.     So you did not interview any witnesses  
18 to the fire?

19           A.     Directly? No.

20           Q.     Is it true that NFPA says that timely  
21 interviews of witnesses are important because  
22 memories fade over time?

23           A.     Correct.

24           Q.     Okay. The depositions that you reviewed  
25 were taken how long after the incident?



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

88

1 A. A year and a half probably.

2 Q. Sure it wasn't more like  
3 three-and-a-half years?

4 A. Oh, I'm sorry. Okay. That's fair.

5 Q. Okay. Is that accurate --

6 A. There was another attorney involved.

7 Q. Is that significant to you?

8 A. I mean, it's something you've got to  
9 consider when you're analyzing the information,  
10 yes.

11 Q. Would you have interviewed the Stiffles  
12 early on had you been retained early in this  
13 investigation to conduct the origin and cause  
14 investigation?

15 A. If that was what the client wanted, yes.

16 Q. Why didn't you interview the Stiffles  
17 in this case?

18 A. The depositions were provided and that  
19 was the limit of my interaction with them. I felt  
20 that the information that I got was sufficient.

21 Q. Okay. Nobody testified or provided any  
22 statements to anyone that they ever saw the iPhone  
23 catch fire, correct?

24 A. Correct.

25 Q. And nobody mentioned the iPhone to any

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

89

1 investigators who investigated this incident at  
2 the time of those investigations, correct?

3 A. I don't know that. It's not in the  
4 reports.

5 Q. You've seen no indication that an iPhone  
6 was ever mentioned to any of the investigators  
7 when they were investigating the origin and cause  
8 of this incident, correct?

9 A. Based on the reports, correct.

10 Q. In fact, the first time you saw the  
11 iPhone mentioned was in the context of litigation,  
12 true?

13 A. Correct.

14 Q. And that was after the attorneys -- or  
15 the insurance company declined subrogation in this  
16 case, correct?

17 A. I don't have any knowledge of any of  
18 that, so -- I don't have any knowledge of that.

19 Q. Well, was there a subrogation case here,  
20 do you know?

21 A. I don't have any knowledge of any of  
22 that.

23 Q. Okay. Well, you do have knowledge that  
24 the origin and cause investigator hired by the  
25 insurance company determined there not to be a

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

90

1 subrogation action here, correct?

2 A. Oh, excuse me. Excuse me. You're  
3 right. That was correspondence between motorist  
4 and Robert -- I can't recall the name of the  
5 attorney.

6 Yeah, there was something in there --  
7 there was an e-mail exchange, correct.

8 Q. Okay. In fact, there was a -- did you  
9 see the letter from Mr. Walker at Cozen O'Connor to  
10 the insurance company based upon the  
11 investigations that were done saying that there's  
12 no subrogation here and we're gonna close our  
13 file?

14 A. Correct.

15 Q. Okay. And there was no discussion of  
16 the iPhone in any of that, correct?

17 A. Correct.

18 Q. And so the first time, based upon your  
19 view of the materials, you ever saw the iPhone  
20 mentioned was in the context of this litigation,  
21 correct?

22 A. Correct.

23 Q. Did you find that to be interesting?

24 A. You want my opinion?

25 Q. I do want your opinion.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

91

1                   That's why we're here.

2           A.     So that informational bias I talked  
3     about that flowed its way through John Henry's  
4     report was provided to -- the same information was  
5     provided to Walker. Walker made decisions based  
6     on that.

7                   When you said subrogation, I didn't  
8     think -- why I originally said I'm not aware of  
9     that is I thought you meant there had been some  
10    effort put into it.

11                  As I see it, many times in a lot of  
12    these cases, an attorney will ask whether or not  
13    they believe there's credible subrogation involved  
14    and they'll accept a report, a verbal report, a  
15    handout.

16                  And based on that they'll tell the  
17    insurance company, we're either going to proceed  
18    or not proceed.

19                  And I saw that, as Walker was doing, was  
20    simply a matter of practice to ask that question.  
21    He based his information on what Henry gave him.  
22    Careless smoking. The guy's a drunk. He's a drug  
23    addict.

24           Q.     Do you think that the Fire Marshal's  
25    office did a bad job here?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

92

1           A.    You're trying to ruin my career in  
2   dealing with these agencies?

3                   There are occasions where in the private  
4   sector I would say that their degree of effort,  
5   based on their workload, is insufficient in fairly  
6   determining the origin and cause.

7           Q.    What did they miss?  What did they do  
8   wrong here?

9           A.    They should have stopped and maybe  
10   recovered the basic top layer of debris and then  
11   started to try to identify potential ignition  
12   sources and then wait to speak with Mr. Stiffler,  
13   with Robert Stiffler.

14          Q.    Why is it important to capture potential  
15   ignition sources?

16          A.    Well, the origin of the fire is  
17   dependent upon a capable, a credible ignition  
18   source and having sufficient fuel and fuel  
19   configuration in order to propagate the fire.

20          Q.    Yeah.  But why is it important to  
21   capture the artifacts?

22          A.    Well, it's to preserve them.  That  
23   initial phase it is to preserve them, not to  
24   disturb them, not to move them.

25          Q.    Preserve them to what end?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

93

1 A. As to their location, function.

2 Q. Is it to be able to inspect them?

3 A. Correct.

4 Q. And why is it important to inspect them?

5 A. Because based on the information  
6 provided, those ignition sources can be identified  
7 that are relative to the area of origin.

8 So in this instance, although we haven't  
9 talked about it, the burn injuries to  
10 Mr. Stiffler, to Robert Stiffler, are significant  
11 and they are actually testimony to the fire, the  
12 development of the fire.

13 Q. Well, we'll get there.

14 But I'm talking more -- you said it's  
15 important to capture the artifacts. I'm trying to  
16 figure out why.

17 A. Well, the scene investigation should  
18 require one to remove the debris and identify the  
19 available ignition sources.

20 Q. And once those ignition sources are  
21 identified, what's the next step?

22 A. To analyze them relative to them  
23 being -- their credibility of being a competent  
24 ignition source.

25 Q. What does that entail? Sorry. I didn't

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

94

1 mean to cut you off, Mr. Ryhal.

2 A. And whether or not those ignition  
3 sources, based on the timeline of the ignition  
4 scenario, fit into that timeline.

5 Q. And what is the -- what does the  
6 analysis of those potential ignition sources to  
7 determine whether or not they're competent  
8 ignition sources entail?

9 A. In the instance of, for example, the  
10 cable TV box, what's the power consumption of the  
11 cable TV box? How is it wired? Where is the  
12 appliance cord? How it's routed.

13 In the instance of the television in  
14 this case, it wasn't plugged in, so it's not a  
15 competent ignition source.

16 In the instance -- in this case, the  
17 iPhone's reported to be there, appears to me to be  
18 there in the location, in the immediate location  
19 where Mr. Stiffler suffered injuries.

20 So is it a credible ignition source? I  
21 think Apple's reports state that it is. It can  
22 suffer a thermal event.

23 So those in this case -- and I know I'm  
24 getting ahead of myself, I want to finish my  
25 thought process out while we're at it.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

95

1           Those are the two ignition sources in  
2   the area of origin where Mr. Stiffler receives his  
3   injuries, which are localized and directional and  
4   specific.

5           And those injuries aren't received from  
6   a fire developing in the corner of the room.  
7   They're developed from close exposure to a smaller  
8   fire.

9           So those are the important factors in  
10   this instance. And had the Fire Marshal stopped  
11   what he was doing, did the interviews, he would  
12   have went back and maybe his report would read  
13   different today.

14          Q.   Do you think the cable box then should  
15   have been recovered and the questions answered  
16   that you just posed as to its power and its  
17   ability to be a competent ignition source?

18          A.   Well, the cable power cords, according  
19   to the Fire Marshal, they looked at. And I  
20   believe they're capable of -- you know, arcing on  
21   a cord is not rocket science. It doesn't require  
22   a Ph.D. to determine that.

23                Anyone who's investigated a number or  
24   degree of fires can tell whether or not what it  
25   looks like on an appliance cord.



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

96

1                   So that leaves us with the cable box  
2   itself. A metal box with -- consuming 20 watts of  
3   power, I do not believe is a credible ignition  
4   source in this time period and in the fuel  
5   configuration that we're talking about.

6           Q.    I guess we're skipping origin. I didn't  
7   intend to.

8                   We started talking about whether -- we  
9   started talking about interviews and that you  
10   didn't interview anyone because you had the  
11   depositions that were taken three-and-a-half years  
12   later.

13                  I thought I asked whether or not anyone  
14   testified that based on an iPhone hot fire to any  
15   of the investigators.

16                  Your answer was no, correct?

17           A.    Correct.

18           Q.    So if we focus in on origin, was there  
19   any testimony or other statements that you relied  
20   upon from any witnesses that were helpful in your  
21   determination of origin?

22           A.    Yes.

23           Q.    All right. Tell me what those are.

24           A.    Mrs. Stiffler.

25           Q.    Mrs. Stiffler?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

97

1           A.    The fire got --

2           Q.    Her testimony about the fire dynamics or  
3   the physical evidence of the fire dynamics?

4           A.    Her testimony.

5           Q.    Okay. What about it?

6           A.    When she comes out into the hallway,  
7   she's standing upright. She sees Robert on the  
8   floor. She can see fire down the hallway at the  
9   ceiling level and black smoke coming out of his  
10   room.

11                   So she doesn't see a room in flashover.  
12   She can stand upright in the hallway, which is  
13   beginning to get smokey because the door to the  
14   bedroom is open now and the fire gases are now  
15   coming down the hallway.

16                   So the room wasn't in flashover. The  
17   configuration of the ceiling, the sloped ceiling,  
18   in the location where she sees the fire, puts the  
19   fire back to the right, which would be the  
20   northwest -- let's just say it's the northern part  
21   of the room based on what she sees.

22           Q.    Why?

23           A.    Well, if the fire had started along the  
24   south wall with the open doorway, for example, in  
25   the area of the sofa, the chair, the sofa chair or

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

98

1 the large projection TV, she would have seen fire  
2 burning from the floor upward to the ceiling.

3 Q. So does that suggest to you that the  
4 origin to the fire was at least to the --

5 A. North.

6 Q. -- north of the visible site through the  
7 door?

8 A. Correct.

9 Q. That would be the north, what, 4/5th of  
10 the room?

11 A. Correct.

12 Q. Anything else from any of the interviews  
13 or testimony that was relevant to your origin  
14 determination?

15 Again, just focusing not on the physical  
16 evidence yet, but on the witness statements or  
17 testimony.

18 A. Robert Stiffler's deposition. He  
19 basically states that he woke up to encounter fire  
20 and that he fell at some point and was trying to  
21 get out of the room.

22 Q. What does that suggest to you in terms  
23 of your area of origin determination?

24 A. He was lying on his right side. His  
25 burn injuries are to the front of his face, not to

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

99

1 the side of his head, not to the back of his head,  
2 not to the left side of his head. They were on  
3 his face and his hands, which indicates thermal  
4 exposure in the area of the face.

5 He stated he got up and fell down.  
6 There was burn injury to his knee and the bottom  
7 of his feet. Again, consistent with the area of  
8 origin being at his head and in the immediate  
9 vicinity of the table, which contained the iPhone  
10 and the cable box.

11 Q. If the fire had been on his bed in the  
12 area of his face, would those injuries have been  
13 any different?

14 A. The way that he describes how he sleeps,  
15 the injuries, if it had been on the bed where his  
16 pillows were, where his head was, the injuries  
17 would be to his head, the side of his head, his  
18 hair. You're talking about fire, throat, chest,  
19 shoulder.

20 Q. Why? Why would the fire moving a foot  
21 from the table to the bed have that impact on the  
22 location of his burn injuries?

23 A. The way that he described it from his  
24 deposition is, he is sleeping right next to the  
25 table. It was right in front of his face, the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

100

1 iPhone was.

2 If his bed is on fire, which would cause  
3 the bedding to catch fire, I would expect that  
4 injury would be to the right side of his head,  
5 because he's lying on a pillow.

6 So you made the theoretical point, what  
7 if the bed's on fire? Well, then the injuries  
8 would be to his right side. He's lying on his  
9 right side on the bed.

10 Q. I don't mean the bed underneath him was  
11 on fire.

12 What if whatever caught fire was in  
13 front of his face?

14 A. That's entirely possible. That would be  
15 consistent with the burn injury he received.

16 Q. Okay. Anything else?

17 A. I think I lost my train of thought there  
18 as we went through that.

19 Q. Yeah, so just to orient you. We were  
20 talking about -- we're not talking about fire  
21 patterns or fire dynamics yet.

22 We're talking about testimonial evidence  
23 or witness statements that you relied upon in your  
24 origin determinations.

25 A. His burn injuries were testified to

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

101

1 during the deposition, so that's why I brought  
2 that in.

3 Q. Yeah, right. Yep.

4 A. And the development of the fire as  
5 reported by both Mrs. Stiffler and Arthur Stiffler  
6 is consistent with the room fire that has not  
7 failed auto ventilated yet, in that when the door  
8 opens to the room, it would call for fresh air to  
9 entrain into the room, which would lift the smoke.

10 Those patterns are visible on the wall  
11 in the hallway. They're clearly visible.

12 And until the bedroom window fails, that  
13 smoke layer would develop in the hallway, which  
14 the Stifflers testified to, it rapidly descending  
15 dark black smoke.

16 And then the physical pattern showed  
17 that the window, the only opening in the room, had  
18 to have failed because the progression of the  
19 ceiling jet stopped before it got to the stairwell  
20 and then would have recessed back into the room  
21 with the ventilation -- auto ventilation of the  
22 window on the west wall.

23 So those were testimony as to the fire  
24 dynamics, the patterns that were observed, the  
25 smoke that was observed. They're all consistent

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

102

1 in my book.

2 Q. Do those suggest anything to you other  
3 than that the room of origin was Robert Stiffler's  
4 bedroom?

5 A. When you put Robert Stiffler in that  
6 room of origin with his burn injuries, it puts him  
7 at the area of origin, encounters the area of  
8 origin immediately with his face.

9 Q. All right. Anything else on witness  
10 statements that was significant to your origin  
11 determination?

12 A. No, I think that kind of sums it up.

13 MR. COPENHAVER: We've been going for a  
14 little bit more than an hour. I don't know what  
15 you all feel about lunch. I've obviously got a  
16 lot left but I'll do what you guys want.

17 MR. SANTICOLA: I mean, I don't need a  
18 break for lunch but if anybody else does, again  
19 it's okay with me.

20 (Recess - 12:31 p.m. - 12:52 p.m.)

21 BY MR. COPENHAVER:

22 Q. Mr. Ryhal, we're back from a break.  
23 Are you okay to keep going?

24 A. Yes.

25 Q. Okay. So the second thing in conducting

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

103

1 an origin determination at NFPA includes an  
2 analysis of fire patterns.

3 Is that your understanding?

4 A. Correct.

5 Q. Did you analyze the fire patterns in  
6 this case?

7 A. Yes, I did.

8 Q. And can you tell me how your analysis of  
9 fire patterns informed your opinion on origin?

10 A. We looked at the structure of the  
11 ceiling. It involved a dropped two-by-four  
12 ceiling with drywall gypsum board.

13 An analysis of those structural elements  
14 was also consistent with the area of origin being  
15 along the west side of the bed.

16 Additionally, there was --

17 Q. Does it make sense to take these  
18 seriatim? Or for you just to say everything and  
19 then for us to dig into them?

20 I'll do them whatever way is easiest for  
21 you.

22 A. It's easier thought-wise if you just let  
23 me answer.

24 Q. Okay. Got it.

25 A. So there was that structural analysis.



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

104

1                   Additionally, the hole burnt in the  
2 floor -- so the hole burnt in the floor along the  
3 west side of the bed isn't consistent with  
4 ventilation patterns, more consistent with the  
5 duration of burn in that area, which was mirrored  
6 in the ceiling above.

7                   Those were the primary patterns that I  
8 observed, as well as there's a hole burn in the  
9 center of the floor at the top of the bed.

10                  But the patterns that I observed under  
11 the lower third, the foot that the Fire Marshal  
12 refers to, to me were consistent with air  
13 entraining into the room.

14                  Then you have the loss of mass of the  
15 clothing in the closet, as well as the structural  
16 elements from that closet were consumed at the  
17 head of the bed where Mr. Stiffler was lying.

18                  If you compare that observed damage in  
19 the photographs to the nightstand located on the  
20 east side of the bed, the wood components still  
21 remained at floor level.

22                  Q.     The what components?

23                  A.     The wood components of the nightstand.  
24 The wood members.

25                  Q.     Anything else under the fire pattern

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

105

1 heading?

2 A. The patterns in the hallway corroborate  
3 the witness statements through the depositions  
4 relative to the development of the fire.

5 And it also points to the fact that that  
6 room was not in flashover when Mrs. Stippler  
7 entered the hallway.

8 And that after the fresh air was entered  
9 into the room, the ventilation patterns change and  
10 auto ventilate out the window on the west wall,  
11 which is consistent with the area of origin being  
12 away from the window and near the bed.

13 I think that's it.

14 Q. Okay. Let's take those in order.

15 First thing you mentioned was a  
16 structural analysis that included the ceiling, the  
17 structural elements of the ceiling.

18 And that, in your view, was consistent  
19 with the area of origin being alongside the west  
20 side of the bed.

21 Did I get that correct?

22 A. Correct.

23 Q. Are there some photographs that help  
24 indicate what you're talking about so you can  
25 explain it to me?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

106

1           A.     Wouldn't hurt occasionally, Steve, if  
2     you'd just refer to the page number.

3           Q.     Well, I didn't know which ones you  
4     were -- I don't know which ones you're --

5           A.     I thought you were talking about --  
6     there's photographs in my report with numbers.

7           Q.     Yeah. I just don't know which of those  
8     you want.

9                     I'm happy to generally do that if I'm  
10    referring to one, but I don't know which one  
11    you're going to pull up.

12          A.     Page 22 of 33.

13          Q.     Okay.

14          A.     It shows the ceiling joists, which are  
15    labeled one, which would be the western wall.  
16    Then two, three, four, five, eastward towards the  
17    hallway.

18                    You can see in the center, underneath  
19    number two, the carpenters lowered the ceiling  
20    level and they applied two-by-fours as the new  
21    ceiling joists and tied them in with the  
22    stringers, which is right above number two.

23          Q.     I'm having a really hard time seeing  
24    anything in these photographs because they're of  
25    such poor quality in the PDF.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

107

1                   Can I have -- can I get these Henry  
2   photographs so I can actually see a JPEG of them  
3   or at least a better PDF of them?

4           A.    If you give me a second.

5           Q.    Sure.

6                   (Pause.)

7   BY MR. COPENHAVER:

8           Q.    So we were referring to a photograph  
9   depicting some of the ceiling joists in Robert  
10   Stiffler's room.

11                   And I think you had referred me to the  
12   image that's on page 22 of your report, which is  
13   titled Henry 173-174.

14                   I pulled up Henry 174 of the ones you  
15   have shown me and that appears to be a little  
16   better version -- or at least a more clear version  
17   of the photograph that's embedded in your report.

18                   So using Henry 174 as a reference point,  
19   can you help describe what you're intending to  
20   show with this photograph?

21           A.    Does it show the top half of the room?

22           Q.    I'll just share my screen, show you what  
23   I have.

24                   Can you see that?

25           A.    Yes.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

108

1           Q.    So that's the photograph I'm looking  
2   that's labeled Henry 174 by JPEG.

3           A.    So I was referring to these stringers  
4   that they had used to tie the two-by-fours into  
5   the existing -- or the previous ceiling joists.

6           Q.    Okay.

7           A.    If you look immediately in the center of  
8   the room and just to the right. Stop. Go  
9   straight up. Stop.

10               Just immediate -- move it to the right,  
11   that's one of those stringers with a piece of  
12   two-by-four still attached to it.

13               So I analyzed those in reference to the  
14   damage in the room based on the duration of burn,  
15   heat exposure, failure of the ceiling membrane,  
16   i.e. the gypsum board.

17               And that is the area of the ceiling  
18   which would be over the western edge of the bed  
19   that exhibited the greatest damage to the  
20   renovated ceiling two-by-fours.

21           Q.    So I'm gonna try to say back portions of  
22   what you said to me to make sure I understand it.  
23   If I'm not, let me know.

24               But the ceiling joists in and around  
25   where my cursor is here, where that sort of piece

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

109

1 is perpendicularly hanging down on the top of  
2 Henry 174, in your view depicts the most amount of  
3 damage to the ceiling?

4 A. No. You'd have to go to the diagram in  
5 my report. And the dotted line shows you where  
6 that ceiling joist -- the lower one for the  
7 renovation would have run. And it's consumed.

8 Q. That's here?

9 A. Correct.

10 No. You're looking at number one there.

11 Number two would be over to your left.

12 Q. Here?

13 A. Right there. Yep.

14 Q. Off of this beam here?

15 A. Yeah.

16 Q. Is there one of those that hasn't been  
17 consumed?

18 A. Yeah. Number three, immediately to the  
19 left.

20 Q. That's this one?

21 A. Yep.

22 Q. So -- and is this the remnants of one?

23 A. Yes.

24 Q. And two would have been here?

25 A. Correct.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

110

1 Q. And three is here?

2 A. Correct.

3 Q. All right. How do you know two was  
4 here?

5 A. You simply follow the joists above it  
6 over to the wall stud and go down. The bottom of  
7 the rafter, the previous ceiling rafter.

8 Q. This?

9 A. Yes.

10 Q. What about that?

11 A. That's it. Follow that to the wall  
12 stud.

13 Q. Okay.

14 A. All the way -- you're on number one. Go  
15 to number two to your left. Right there. Go  
16 down.

17 That's where the lowered ceiling members  
18 should have run.

19 Q. Yeah. How do you know it was there?

20 A. That's interesting.

21 So they ran the stringer without --  
22 you're saying they ran the stringer down without  
23 running the joist?

24 I don't think it would be possible to do  
25 that construction-wise.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

111

1           Q.    So if I'm understanding, your opinion is  
2   that this perpendicular piece hanging down in the  
3   middle of the photo was tied into the lower joists  
4   that had an origin point around here and would  
5   have come across like this, is that right?

6           A.    I'm sorry. I was looking at another  
7   photo to show you. Please do it again.

8           Q.    Sure. Let me see if I can -- I'm gonna  
9   see if I can do something here.

10                  So this perpendicular piece here, you're  
11   saying, was tied into a lower ceiling -- lower  
12   joist that would have had its origin point around  
13   there?

14          A.    Correct.

15          Q.    And that would have come across, if  
16   we're ignoring the 3-D aspect of this, like that?

17          A.    Sure.

18          Q.    Is that your opinion?

19          A.    Correct.

20          Q.    And the fact that that is missing is  
21   evidence that -- of what?

22          A.    It is evidence to loss of mass in an  
23   analysis of duration of burn absent ventilation  
24   patterns.

25          Q.    And how much of that is in relation to



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

112

1 amount, type and proximity of fuel as opposed to  
2 origin?

3 A. That's a consideration, too, like, for  
4 example, when you make that statement and the bed  
5 is located a horizontal plane across, let's say,  
6 40 percent of the floor, so we go to page 23,  
7 Henry 171 and 172, and you can see that the  
8 structural elements over the bed -- or the major  
9 body of the bed, not the western edge, are intact.

10 So the structural damage is specific to  
11 the western edge of the bed. You got it right  
12 there.

13 So in the upper right corner is, we'll  
14 call it, joist number one, correct?

15 Then there's joist number two. Now,  
16 those were the upper joists, not the lower ones.

17 Q. Right.

18 A. But the remainder of the lower joists  
19 are all intact.

20 Q. Well, is that -- is number one intact?

21 A. No. You're looking at the upper joists.

22 Q. Like what about this perpendicular thing  
23 that hangs down? Isn't that the same as here that  
24 would have been connected to a cross one?

25 A. That's the stringer, correct.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

113

1 Q. And is this for number one?

2 A. Yes.

3 Q. And that's missing as well?

4 A. Yeah, one's missing.

5 Q. And two's missing as well?

6 A. Correct.

7 Q. All right. And where's the window in  
8 172?

9 A. That would be at your back.

10 Q. Is it this way?

11 A. Behind you.

12 Q. This way? If that's coming towards me?

13 A. Yeah.

14 Q. All right. Could the direction and  
15 location of ventilation account for the disparate  
16 damage to lower ceiling joists?

17 A. Well, maybe upper gas layer. I don't  
18 see that as ventilation patterns. That's duration  
19 of exposure.

20 Q. And so I'm trying to understand why  
21 that's -- why --

22 A. So out of the window, the ventilation  
23 gases exiting are going to be out of the top  
24 window, the top half or two-thirds in this case,  
25 because we have air being fed from down below.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

114

1 And it could, in fact, be completely filled with  
2 ventilation gases.

3 So the ventilation patterns would be  
4 derived at the floor where the air is being drawn  
5 in and interacting with the hot fire gases.

6 So, if anything, the upper gas layer  
7 would be not a dead zone, because it's  
8 experiencing heat and decay of the mass of  
9 members, but, no, that's not a ventilation  
10 pattern.

11 Q. Okay. And what does the presence and  
12 location of fuel, what effect does that have on  
13 the burn patterns on these cross joists?

14 A. They can generate those patterns. So,  
15 for example, part of those patterns, the  
16 generation would be from the chair in the corner.

17 So this is all post flashover.

18 Q. Sure.

19 So then if we look at 172 or the first  
20 one you directed me to, which is -- let's look at  
21 174.

22 A. Page 23? Or 22?

23 Q. Page 22 of your report. Henry 174.

24 A. Yep.

25 Q. Orient me as to which way we're looking

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

115

1 here.

2 So the window is along the west side of  
3 the wall, correct?

4 A. The window is to your right. It's the  
5 rectangle white spot in the middle.

6 Q. Right.

7 But on a compass, that's the west side?

8 A. Yes. Yes, I'm sorry.

9 Q. Okay. And the table as it were would be  
10 between the bed and that window?

11 A. Correct.

12 Q. The foot of the bed would be towards  
13 that lathe and plaster and the brick wall we see  
14 in this photograph?

15 A. The foot of the bed is in the photo and  
16 it is -- right in the center is the lower right  
17 portion of the bed.

18 Q. I guess we're looking at 173 then.

19 A. I'm sorry. Yeah. Yeah. That's a  
20 collage of two photos joined together.

21 Q. I'm just realizing that.

22 So the photograph that you have in -- on  
23 page 22 of your report titled Henry 173, 174, you  
24 have combined two separate photographs?

25 A. Correct.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

116

1 Q. How did you do that?

2 A. It's pretty simple. You just put them  
3 on a page in a diagram block and then you size  
4 them by orientation of objects that they match up  
5 in the photos.

6 Might seem complicated, but it's  
7 actually very simple.

8 Q. So it explains why I couldn't see the  
9 bed on 174.

10 A. Do you see -- see to the right, the hole  
11 in the floor that leads over and then it looks  
12 like there's some paper or might be something  
13 below the floor?

14 Q. I do on 173.

15 A. Yeah, you can see it.

16 So that's -- you would take those two  
17 images and you would join them together where they  
18 kind of mesh together.

19 You can't always get them perfect, but  
20 you can get them pretty close if the photographer  
21 doesn't change his stance.

22 Q. Yep. So this is -- so the foot of the  
23 bed then would be the part of the bed that is  
24 facing toward the television in Henry 173, the  
25 farthest away from the camera?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

117

1           A.    No.  The location of the bed, that is  
2   where Mr. Stiffler's head would be, is in the  
3   lower right corner.

4           Q.    Correct.

5                    So do you see the television?

6           A.    Correct.

7           Q.    That's the foot end of the bed?

8           A.    Okay.  Yes.

9           Q.    Okay.  And the head end of the bed is  
10  the one closest to the camera in this photograph?

11          A.    Right.  Correct.

12          Q.    The table would be between the bed and  
13  the window that we see in the photograph?

14          A.    Correct.

15          Q.    And then the chair would be immediately  
16  to the left of the bed, on the head side of the  
17  bed as depicted in this photograph?

18          A.    Yeah, the chair is at an angle off the  
19  bed.  You can see the general outline of the chair  
20  to the corner.

21          Q.    Yeah.  I'm just trying to orient us so  
22  when I go back and look at these later.

23                   These photographs were taken after the  
24  collection of artifacts from the scene?

25          A.    These photographs were taken by Henry

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

118

1 during his walk-through the day following the Fire  
2 Marshal's visit.

3 Q. Okay. Had the table been removed from  
4 the room at this point in time?

5 A. So the table, from my analysis of  
6 everyone's photos, appears that during overhaul,  
7 it was moved basically over to the foot of the  
8 bed, which would be -- maybe the easier way to do  
9 this is -- so see the left side of the bed?

10 A. I do.

11 Q. That's the A wall in the room.

12 The B wall would be where the TV is.

13 The C, Charlie, wall, the west wall, is  
14 over where the window is.

15 And then the A wall is up at the head of  
16 the bed. That's the north wall.

17 Q. So that is different from how you've  
18 depicted it in your scene diagram in your report?  
19 Which I'm happy to do, I just want to make sure  
20 we're consistent.

21 A. No, my diagram's correct.

22 Q. You just said the A wall was the head of  
23 the bed.

24 A. Yeah, I'm sorry, I meant to say D wall.  
25 I said C wall was the west wall.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

119

1 Q. I'm sorry?

2 A. I misspoke.

3 Q. All right. So just so we're on the same  
4 page. The foot of the bed where -- the wall  
5 facing the foot of the bed where the TV is would  
6 be the B, Bravo, wall?

7 A. Correct.

8 Q. If we're just going clockwise from  
9 there, the wall with the window is the C, Charlie,  
10 wall?

11 A. Correct.

12 Q. The wall on the other side of the head  
13 of the bed would be the D wall, correct? D as in  
14 David?

15 A. Correct.

16 Q. On the remaining one, on the one that  
17 the chair is closest to would be the A, Alpha,  
18 wall?

19 A. Correct.

20 Q. All right. So you were saying something  
21 about the table?

22 A. So the table appears to have been moved  
23 during the overhaul process. It ended up off of  
24 the southeast corner of the bed frame, which would  
25 be the A, B corner of the bed.



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

120

1 Q. So it was moved over to where my cursor  
2 is?

3 A. Yep.

4 Q. And is that essentially, from your  
5 understanding, the complete opposite side of the  
6 bed in which it started?

7 A. Yes.

8 Q. Which would be in the C, D corner of the  
9 bed?

10 A. Correct.

11 Q. All right. Do you have any photographs  
12 depicting the table in its original location?

13 A. No, I do not.

14 Q. How have you located the table in your  
15 diagram to the position which you believe it was  
16 at the time of the fire?

17 A. The diagram was produced from  
18 questionnaires to the insureds.

19 Q. Is there any physical evidence or  
20 photographic evidence on which you're relying that  
21 is either confirmatory or different from the  
22 positioning of the table in the diagram that you  
23 have embedded into your report?

24 A. The only thing I noted was that there  
25 was an area absent debris, which I believe I noted

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

121

1 in my report. Allegheny County Fire Marshal photo  
2 338.

3 Q. One second.

4 A. Page 18 of 33.

5 Q. So I've pulled up Allegheny County photo  
6 338.

7 Do you see that?

8 A. Yes.

9 Q. And it looks like we're looking directly  
10 at Charlie wall?

11 A. Correct.

12 Q. And we're standing at the foot of the  
13 bed?

14 A. Correct.

15 Q. What is significant about this  
16 photograph?

17 A. Just to the left of the Fire Marshal's  
18 boot, there appears to be no excavation that's  
19 been done. There's a protected area on the floor.

20 Q. Okay.

21 A. If you look at the collapse of the  
22 table, the outlines are similar in shape. And  
23 that table -- I thought there was an earlier  
24 photograph showing the table. There is one. Page  
25 21 of 33.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

122

1 Q. Okay.

2 A. 21 of 33 you can see the remnants of the  
3 table.

4 Q. So I need the Allegheny County photo  
5 number.

6 A. 286.

7 Q. 286.

8 It's just easier for me to pull those  
9 photos up. They're a little better.

10 All right. So I've pulled up Allegheny  
11 County photo 0286. And what -- is this the one  
12 that's from your report?

13 A. Let me go back to that.

14 A. What page was that?

15 Q. 21.

16 A. Thank you.

17 And your question is?

18 Q. Why did you direct me to this photo?

19 A. So if you look to the left of the  
20 cabinet, the metal cabinet, which has a protected  
21 area on the bottom because it was sitting on the  
22 floor before being disturbed by overhaul  
23 operations, the table was located on the floor to  
24 the left of that.

25 Q. All right. And orient me as to where we

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

123

1 are in the room when this photo is taken.

2 A. So we would be standing in the doorway  
3 to the bedroom looking pretty much directly right  
4 down at the floor.

5 And if you notice in the lower right  
6 corner of the metal cabinet, you can see the bed  
7 rail for the bed. It goes off to your right.

8 Q. This?

9 A. Yep. Yep. You got it.

10 Q. So if we're standing in the doorway,  
11 that would be the -- if we're standing in the  
12 doorway, wouldn't that be the Alpha, Bravo corner  
13 of the bed?

14 A. Correct.

15 Q. So the table --

16 A. Looks like it's closer to the wall, but  
17 I can't tell how much of the cabinet is covering  
18 the bed.

19 Q. Would that be the Alpha wall or the  
20 Bravo wall?

21 A. To your left is Bravo.

22 Q. Okay.

23 A. You're standing on the Alpha wall.

24 Q. And so then the table here would be at  
25 the foot end of the bed?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

124

1           A.     Correct.

2           Q.     All right.  So the table as it was found  
3     in the room by the Allegheny Fire Department was  
4     at the foot end of the bed?

5           A.     I don't know where the fire department  
6     found it, because obviously overhaul operations  
7     have occurred, because the cabinet speaks to that.

8                     So whether it was found there or it was  
9     over -- the other only place I could essentially  
10    put it would be where there's a clearing in the  
11    floor.  Something was removed.

12          Q.     So let me show you Allegheny County  
13     0285.

14                     Do you see that?

15          A.     Yes.

16          Q.     I'm sharing too many screens here.  
17     There we go.

18                     How does that look?  Can you see that?

19          A.     Yes.

20          Q.     I don't have my e-mail up or anything,  
21     do I?

22                     All right.  So this is sort of a zoomed  
23     out photo of what we were just looking at.  So  
24     this would be sort of the panoramic that would  
25     have shot the floor and then they lifted the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

125

1 camera up, shooting towards the northwest corner,  
2 the C, D corner of the room.

3 Q. That's why I've been trying to use  
4 whatever those are called.

5 So we're still along the Alpha wall here  
6 on Exhibit 35 facing the Charlie, Delta corner?

7 A. Correct.

8 Q. And the table that you identified as  
9 being under the metal cabinet would be on the foot  
10 end of the bed?

11 A. It would be underneath the oxidation on  
12 the cabinet on the left, to the lower left.

13 Q. And that's towards the foot end of the  
14 bed?

15 A. Yes.

16 Q. And then where's the clear --

17 A. Looks closer to the wall to me. Seems  
18 closer to the Bravo wall to me than the bed.

19 Q. Okay. Perfect.

20 That's fine.

21 But the Bravo wall is the one facing the  
22 foot end of the bed, correct?

23 A. Correct.

24 Q. Do you see any indication from this  
25 photograph that the table was located along the --

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

126

1 near the Charlie, Delta corner of the bed, the  
2 head end of the bed, at the time of the fire?

3 A. No.

4 Q. Is there any physical evidence or  
5 photographic evidence suggesting that it was?

6 A. No.

7 Q. Okay. Does this --

8 A. With the exception of what I previously  
9 said, where there's a cleared area on the floor,  
10 that isn't accounted for.

11 Q. But this photograph that we're looking  
12 at 285, was before that area was cleared, was it  
13 not?

14 A. Yeah. There's a lot of debris,  
15 insulation, the rafters from up above, the wall  
16 studs.

17 Q. Okay. And before that area was cleared  
18 out, it's apparent that that table was not there,  
19 correct?

20 A. Correct.

21 Q. All right. So there -- let me ask  
22 again.

23 Is there any physical evidence at all  
24 that that table was actually at the head end of  
25 the bed at the time of the fire?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

127

1 A. No.

2 Q. You just have to accept that as true,  
3 based upon the diagram that you were provided,  
4 correct?

5 A. Well, and other practical  
6 considerations.

7 Q. Well, there could be a table next to a  
8 chair that was along the Charlie, Bravo corner of  
9 the room, correct?

10 A. Pardon?

11 Q. Wasn't there a chair in the Charlie,  
12 Bravo corner of the room?

13 A. No, the chair is in the Bravo, Charlie  
14 corner.

15 Q. That's -- I thought that's what I meant.  
16 I thought that's what I said.

17 A. I thought you said Charlie, Delta.

18 Q. I thought I said Charlie, Bravo.

19 There's a chair in the the --

20 A. I'm so sorry.

21 Q. There's a chair in the Charlie, Bravo  
22 corner of the room, correct?

23 A. Correct.

24 Q. Would there be a practical reason to  
25 have a side table next to a chair?



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

128

1 A. Sure. I'm sure that could be.

2 Q. Was there a cable box on that table?

3 A. In the debris field?

4 Q. Yes.

5 A. No, I didn't see one.

6 Q. Okay. Where was the cable box located?

7 A. The cable box is in the debris that --

8 there is a group photo, I think, of a bunch of

9 them artifacts that they recovered.

10 Q. Where did they recover the cable box  
11 from?

12 A. I don't know.

13 Q. Would it make sense that that was near  
14 the television?

15 A. The cable box?

16 Q. Correct.

17 A. Yes.

18 Q. And that would be along the Bravo side  
19 of the room?

20 A. The cable box was located to a TV, which  
21 reportedly was located on the western side of the  
22 bed.

23 The table that's observed in the hallway  
24 has the remains of what appeared to be the  
25 speakers for the television, which was on the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

129

1 table.

2 Q. You said the western side of the room.  
3 Wasn't it along the southern or Bravo wall of the  
4 room?

5 A. You're talking about where the table's  
6 found?

7 Q. Where the television was.

8 A. Well, the television is -- if you refer  
9 to Exhibit 1.

10 Q. The Notice?

11 A. Page number is 10.

12 Q. Oh, Exhibit 1 in your report --

13 A. Correct.

14 Q. -- of Exhibit 11. Okay.  
15 Okay.

16 A. Yeah.

17 Q. I see the diagram.

18 A. I see the confusion.

19 Q. We're on the same page then.

20 A. All right. Very good.

21 So on that long, linear rectangle on the  
22 oval is the television that was located sitting on  
23 top of the cable box.

24 Q. Got it.

25 So he had two televisions in his room?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

130

1           A.    The projection TV was not plugged in and  
2   basically was a dust collector.

3           Q.    Right.

4                   But there were two televisions in his  
5   room?

6           A.    Correct.

7           Q.    Okay. And, again, the orientation of  
8   that -- or the position of that table is  
9   provided -- your opinion about the position of  
10   that table is because of this diagram, correct,  
11   rather than the physical evidence from the scene?

12          A.    No, I think that would be a shallow  
13   interpretation, because there's only two  
14   receptacles in the room.

15                  So without an extension cord, the  
16   television, cable box and Apple iPhone need to be  
17   plugged into receptacle R-2, which to scale is no  
18   more than 4 to 5 feet away.

19                  So the reported diagram -- yes, it --  
20   this is how it was reported, but physically, it's  
21   the only way it could have been.

22          Q.    Okay. How long is the cord for the  
23   iPhone?

24          A.    I don't know. Long enough to reach that  
25   wall.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

131

1 Q. Well, sort of by definition, if the  
2 phone was charging on this table, that table had  
3 to be close enough to that receptacle to be  
4 plugged in?

5 A. Correct.

6 Q. And you don't know what that distance  
7 is?

8 A. No, I could estimate.

9 Q. How far is Charlie wall from where the  
10 bed is located?

11 A. From the rafters, from the location of  
12 the bed, it appears to be within 4 feet. And then  
13 you got the table to minimize that distance,  
14 because the table obviously is not at the edge of  
15 the bed. It extends towards the western wall.

16 Q. It's obviously not as depicted in this  
17 photograph?

18 A. No. No. I'm saying the table -- if the  
19 left side of the Stiffler's bed is at 4 feet, you  
20 know, the table will have dimensions and it's  
21 closer to the receptacle than the bed.

22 Q. But in terms of the table's orientation  
23 north/south, so towards the D wall or towards the  
24 B wall, that's based upon the information provided  
25 to you in this diagram?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

132

1 A. Correct.

2 Q. All right. But where it was found after  
3 the fire was not in the orientation in which it  
4 was suggested to you by this diagram, correct?

5 A. Correct.

6 Q. And there's otherwise no physical  
7 evidence that it was in that -- in the location in  
8 which it was identified in the diagram, correct?

9 A. Absent my previous discussion about the  
10 area before that appeared to be cleared.

11 Q. Yeah. But that's -- that's why I wanted  
12 to show you photo 285, which is before it was  
13 cleared, and there's no table there.

14 We agree?

15 A. Correct.

16 Q. Okay. So let me ask that question  
17 again.

18 There's no physical evidence that  
19 supports that the table was in the position in  
20 which it was depicted in that diagram at the time  
21 the fire started.

22 True?

23 A. Correct.

24 Q. But nonetheless, you believe that it was  
25 in or around the location of the table as depicted

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

133

1 to you in the diagram that was the point of origin  
2 for the fire, correct?

3 A. Correct.

4 Q. And if the table was not in a position  
5 in which it was suggested to you in that diagram,  
6 then it would be -- that wouldn't change your  
7 point of origin, would it?

8 A. No. No.

9 Q. I mean, your point of origin is not  
10 dependent upon a table being in that location, is  
11 it?

12 A. My point of origin is dependent upon the  
13 burn injuries suffered by Mr. Stiffler.

14 Q. Right.

15 So whether or not the table was there is  
16 not -- is not the reason that your point of origin  
17 is where it is.

18 It's based upon the things that NFPA  
19 suggests, which is fire patterns, fire dynamics  
20 and witness statements, correct?

21 A. Correct.

22 Q. So if it turns out that the table was  
23 not in the position in which it was represented to  
24 be in the diagram that you were provided, your  
25 point of origin would still be the same, correct?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

134

1           A.    My point of origin is relative to  
2   Mr. Stiffler's burns and the statements relative  
3   to the configuration of the room.

4           Q.    Okay. But my question to you, if the  
5   table wasn't there, if the table was in the  
6   position in which it was found by the  
7   investigating fire agency before they cleaned the  
8   room, your point of origin would not change, would  
9   it?

10          A.    No. Because I'm assuming the table was  
11   moved even during Mr. Stiffler's escape from the  
12   room and/or the fire department's operations.

13          Q.    Well, I'm not -- well, first of all, do  
14   you have any evidence --

15          A.    You're giving me a theoretical, Steve.

16          Q.    I am giving you a hypothetical. That's  
17   why I said if.

18                So let me give you the hypothetical  
19   again.

20                If the table was in the position in  
21   which it was found again -- or it's depicted in  
22   the photos from the Allegheny Fire Department and  
23   not in the position in which it was represented to  
24   you in the diagram you were provided, your point  
25   of origin would not change.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

135

1 True?

2 A. True.

3 Q. And if the phone was on the table, that  
4 would mean to you that the phone could not have  
5 been the cause of the fire.

6 True?

7 A. In your theoretical, yes.

8 Q. Do you have any evidence, physical or  
9 otherwise, that the table was moved to the  
10 position in which it was depicted by the Allegheny  
11 County Fire Department photographs before those  
12 photos were taken?

13 A. Repeat it?

14 Q. I don't know if I can, but I'll try to  
15 get the gist of it in this new question.

16 Is there any evidence in the record that  
17 the table was moved to the position in which it  
18 was -- in which it's depicted in these Allegheny  
19 County Fire Department photographs after the fire  
20 occurred and before these photos were taken?

21 A. From their photographs, no. Only that  
22 overhaul has occurred, because the cabinets are  
23 knocked over.

24 Q. Okay. But specific to that table, is  
25 there anything you can point to in the record



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

136

1 showing that that table was moved prior to these  
2 photos being taken?

3 A. There appears to be a protected area on  
4 the table, which is inconsistent with the floor in  
5 that area.

6 Q. What do you mean? Show me what you  
7 mean.

8 A. Page 19. Allegheny County Fire Marshal  
9 340.

10 Q. Let me just pull up 340. One minute.  
11 What page did you say in yours?

12 A. Page 19.

13 Q. 19. Thank you. Okay.

14 A. The Allegheny County Fire Marshal photo,  
15 the area that was absent debris, has a piece of  
16 carpet remaining on the floor. Something was on  
17 the floor and was removed.

18 Q. Hold on. So I have 340 up.

19 Do you see that?

20 A. Yes.

21 Q. All right. And tell me what you're  
22 looking for.

23 A. Follow the floor joists on the left side  
24 of the photo.

25 Q. This one?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

137

1 A. Next one over.

2 Q. This one?

3 A. Follow it right up to the floor  
4 material -- follow it right up to where the floor  
5 material was burned away. It begins to be present  
6 again. Let's put it that way.

7 Q. In the joist?

8 A. Here's the joist.

9 Q. Yep. Where am I going?

10 A. Go up a little bit. Right there. Stop.  
11 Down a quarter inch.

12 Do you see that semicircular reddish in  
13 color right there?

14 Q. Yep.

15 A. Piece of carpet on the floor, protected  
16 area. Something was in that area.

17 Q. That's not the size or shape of the  
18 table, is it?

19 A. No, it isn't.

20 Q. How big is that protected area?

21 A. The table was immersed in fire. If you  
22 go to photo, page 21, bottom, 286. Allegheny  
23 County Fire Marshal 286.

24 Q. Okay.

25 A. You can see the table to the left of a

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

138

1 metal cabinet.

2 Q. Yep.

3 A. There's also something there that's  
4 unburned, small.

5 Q. Okay. What is that?

6 A. I don't know.

7 At some point maybe debris added or it's  
8 protected. But, again, the idea that things have  
9 been moved around. So the damage to the table, if  
10 we look at it -- page 24.

11 Q. Okay. What number?

12 A. 166 Henry.

13 Q. Okay.

14 A. The table was obviously completely  
15 emersed in fire. The melted mass that the table  
16 has fallen down into, which appears to have the TV  
17 speakers in it, there are no protected areas on  
18 the floor that match that area.

19 The only observed patterns that match  
20 that area that I could see is in the following  
21 photo, on page 25.

22 It is the area of the floor which is  
23 absent debris and has the hole in it. This would  
24 be immediately adjacent to where the table was  
25 reported to be.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

139

1                   If you look at the bottom of the photo  
2   of Allegheny County Fire, 338, you can see that  
3   there's still a considerable amount of debris on  
4   the floor at the foot of the bed.

5           Q.   Let me pull up 338. I have Allegheny  
6   County 338 here.

7                   And you're suggesting -- you're  
8   suggesting what now?

9                   Wait. Hold on. I'm gonna change my  
10   question. This is after the metal cabinet was  
11   removed, correct?

12                  Because -- what we're seeing here in 338  
13   at the foot of the bed is where that metal cabinet  
14   was depicted in those earlier photographs?

15          A.   Yes.

16          Q.   And underneath that metal cabinet was  
17   the remnants of the table, correct?

18          A.   Correct.

19          Q.   Okay. So you're suggesting that later  
20   on that the remnants of that table were then moved  
21   back over to the other side of the bed near where  
22   the firefighter's foot is?

23          A.   I couldn't say that.

24          Q.   Well, what are you saying?

25          A.   I'm saying that the table has been

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

140

1 moved, that the burn patterns and damage to the  
2 floor are consistent with the area of origin being  
3 on the western side of the bed and that the table  
4 was moved either by overhaul and/or Mr. Stiffler  
5 trying to escape the room.

6 Q. And what I'm trying to figure out is, if  
7 the basis for your opinion that the table was  
8 alongside or between the window and the bed is the  
9 debris field underneath this firefighter's  
10 photo -- or underneath this firefighter's foot as  
11 depicted in 338, how you account for the fact that  
12 the table in photographs prior to this,  
13 sequentially prior to this, was at a different  
14 location towards the foot end of the bed?

15 A. Again, if you look at photograph 167,  
16 168 on -- it's on my page 26.

17 Q. Okay.

18 A. There is a protected area at the foot of  
19 the bed underneath the carpeting.

20 Do you see where it remains, the carpet  
21 pattern?

22 Q. Here.

23 A. We're having trouble seeing your arrow,  
24 Steve. Okay. I see it now. All right. Yep.

25 So the issue at hand there is, is that

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

141

1 the table -- where they recovered the table? I  
2 don't know, because I didn't talk to the Fire  
3 Marshal. And, you know, that analysis hasn't been  
4 done. But the table was moved.

5 Q. From where?

6 A. From its location up at the head of the  
7 bed.

8 Q. How do you know it was at the head of  
9 the bed other than the diagram that was provided  
10 to you?

11 A. Witness testimony.

12 Q. Okay. But, again, no physical evidence  
13 that supports that?

14 A. I don't think it's that shallow of an  
15 argument. I think the idea that there was only  
16 two receptacles in the room and you have the  
17 statement from the individuals and the physical  
18 characteristics of the table, you want me to  
19 presume that in-- for this evening or days before  
20 the fire, that Mr. Stiffler took his cable,  
21 removed it from the side of his bed where it has  
22 been testified to by his mother, et cetera, and  
23 moved it to the foot of the bed. That's pure  
24 conjecture.

25 Q. I'm just asking whether there's any

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

142

1 physical evidence for it.

2 A. Previously I said there was no physical  
3 evidence that it was at the head of the bed  
4 because it's been removed.

5 Q. In 167, you can see the receptacle to  
6 the left of the window?

7 A. Yes.

8 Q. Okay. And would it not make sense to  
9 you to have a table closer to the foot of the bed,  
10 especially if you have a television on it?

11 A. The testimony of Mr. Stiffler during his  
12 deposition is that he has extremely poor eyesight.

13 Q. Uh-huh.

14 A. And this TV was purchased and placed on  
15 that table because he could lie there with his  
16 head on the pillow and the TV was in close  
17 proximity where he could see it clearly.

18 Q. Got it.

19 How -- did anyone take the measurement  
20 between that receptacle that we see in Henry 167  
21 and where you believe the table to have been  
22 located?

23 A. I don't believe so.

24 Q. Do you know whether it's possible for a  
25 charging cord for an Apple iPhone 6S Plus to reach

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

143

1 from that receptacle to the area where the table  
2 is depicted in the diagram?

3 A. We have witness testimony and --

4 Q. I'm not asking if anyone testified to  
5 it, I'm asking whether it's physically possible.

6 A. And we have the components of the room  
7 that are only so large and you can only fit so  
8 much in the room.

9 Do we have exact measurements? No.

10 Q. Let me ask it a more simple way.

11 Do you know how many feet it is from the  
12 receptacle to the position that that table is in  
13 as depicted in that diagram?

14 A. Exactly or approximately?

15 Q. Well, did anyone take the measurement?

16 A. I don't believe anyone did take a  
17 measurement of where that bed was.

18 Q. So what would be the basis for your  
19 approximation?

20 A. The size of the furniture.

21 Q. Okay. So tell me what your  
22 approximation --

23 A. The side of the room.

24 Q. And give me the basis for it.

25 A. The bed is generally 5-foot wide,



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

144

1 queen-sized bed. And based on the dimensions of  
2 the room, I want to say it was 12 -- 14 feet --  
3 I'd have to look at the scale diagram. But you  
4 have a chair to the right or the A, Alpha side,  
5 which they could pass through. Cabinets on the  
6 right wall.

7 And the location of the frame rail for  
8 the bed is directly underneath ceiling joist  
9 number two, which are at most 2 feet on center.

10 Q. So what's your opinion?

11 A. I think the bed's within 4 feet of the  
12 wall.

13 Q. Okay. And then how far toward the foot  
14 end of the bed from the location that the table  
15 was reported to you to be in is that receptacle?

16 A. You're saying along the Charlie wall?

17 Q. Let's do this. Let me show you your  
18 report.

19 If this is approximately 4 feet, the  
20 distance between the wall and the table, how far  
21 is it between the table and receptacle two going  
22 north/south?

23 Because in 167, I'll tell you the  
24 receptacle looks to be sort of parallel with the  
25 foot end of the bed. I can show you that as well.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

145

1                   So I pulled up Henry 167. You can see  
2   the receptacle along Charlie wall and to my eye,  
3   it's more or less along the lines of the foot end  
4   of the bed.

5                   So how far south from the position that  
6   you believe the table to have been in do you have  
7   to go along that way to get to the receptacle?

8           A.    Of the window?

9           Q.    From the table to the receptacle.

10                  Yeah, we'll use the window for the  
11   reference point.

12          A.    I would say it's approximately 2 feet.

13          Q.    So that in order to reach -- even if it  
14   was on the very edge of the table, in order to  
15   reach that receptacle, the cord would have to be  
16   over 4 feet long?

17          A.    I believe so, yes.

18          Q.    And do you know if the charging cable  
19   provided with an Apple iPhone 6S Plus is that  
20   long?

21          A.    I would believe it would be generally  
22   6 feet long.

23          Q.    Is that a guess or are you basing that  
24   on something?

25          A.    No, I'm just basing it on experience. I

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

146

1 do not know specifically what that cord was.

2 Q. Okay. And if the cord wasn't that long,  
3 would that suggest to you that it was not being  
4 charged with the original cord or that the table  
5 was not in the position in which it was  
6 represented to be or something else?

7 A. I wouldn't know any of those. All I  
8 have is what we were informed is that it was the  
9 original cord for the phone.

10 Q. And my suggestion to you is, if the cord  
11 as provided is not long enough for it to be  
12 physically possible to be charging the phone in  
13 that receptacle with the table in the position  
14 which was reported to you, what does that tell  
15 you?

16 A. Well, if that were the case, it might  
17 tell you there was a different cord being used.  
18 I'm not sure of the dimensions, because they  
19 weren't taken.

20 Q. Could it also tell you that the table  
21 wasn't in the position in which it was reported to  
22 you?

23 A. Well, the table, as reported to me, if  
24 it moves a little further south -- it's actually  
25 in the diagram.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

147

1                   The table, based upon where the  
2   receptacle is is closer to where the receptacle  
3   is.

4           Q.    So --

5           A.    I want to look at a photo here.

6           Q.    Great.

7           A.    It's Allegheny County photo 313.

8           Q.    Okay.

9           A.    If you look at the receptacle, it's in  
10   the center of the wall near the floor.

11          Q.    I see it.

12          A.    It has a cord coming out of it.

13          Q.    I see it.

14          A.    Those planks, it's vertical planking, a  
15   plank-style house. And they're generally a foot  
16   wide.

17                   So that places the receptacle within or  
18   less than 2 feet of the window. The window is in  
19   the corner of the room.

20          Q.    You believe that the window is in the  
21   corner of the room?

22          A.    Nearly at the corner. Yeah, that's the  
23   way it was described to me.

24          Q.    Well, we have photographs of it, don't  
25   we?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

148

1 A. Yeah. But you're missing the closet.

2 Q. Okay.

3 A. So it appears to me that's directly  
4 towards the top of the bed, the top half of the  
5 bed where the cable was reportedly located.

6 Q. So how do you account for the -- I mean,  
7 we can see where the receptacle is relative to the  
8 bed in the photographs.

9 We don't have to look at the width of  
10 the planks. There's a photograph of both the bed  
11 and the receptacle.

12 A. My point is that I believe that's in  
13 pretty close proximity to the head of the bed.

14 Q. So let me pull up Henry 167 again.  
15 Do you see that?

16 A. Yes.

17 Q. You're telling me that that receptacle  
18 in Henry 167 is closest to the head of the bed?  
19 Does that make sense?

20 A. Yeah.

21 Q. Cool. Okay.

22 A. You're assuming the bed hasn't been  
23 moved.

24 Q. So everything in the room was moved. We  
25 just have to take Stiffler's word over what all

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

149

1 the physical evidence is, is that right?

2 A. I believe he is the strongest evidence,  
3 yes.

4 Q. Got it. More than the physical  
5 evidence. More than the photographs. More than  
6 where things were found. It's just -- it's  
7 Mr. Stiffler?

8 A. And his mother.

9 Q. Got it. Okay. Thank you for agreeing  
10 with that.

11 All right. In fact, I want to do this  
12 again. I want to make sure we're really clear  
13 here.

14 Henry 167, what you're telling the jury  
15 is that the receptacle that we see along the wall  
16 next to the window is alongside the head end of  
17 the bed, that's what you're saying?

18 A. Yes.

19 Q. Okay. You agree with me that the foot  
20 end of the bed is the one that's closest to the  
21 camera, right?

22 A. Correct.

23 Q. And in the diagram as provided to you,  
24 you would agree -- in fact, the one that's  
25 embedded in your report, you'd agree that the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

150

1 position of the receptacle was closer to the foot  
2 end of the bed, not the head end of the bed,  
3 right?

4 A. Yeah, I guess that was more of a  
5 random -- I didn't scale that out. I didn't have  
6 cause to.

7 Q. Just random?

8 You're just throwing receptacles in  
9 there?

10 A. No. The receptacle's on that wall.  
11 Exactly where it was located, I don't know if the  
12 other diagram exhibit is adjusted.

13 Q. So the receptacle as depicted in the  
14 diagram you embedded in your report and that  
15 contains the opinions you plan to offer in trial  
16 in this case shows the receptacle at the foot end  
17 of the bed.

18 The photographs that Mr. Henry took on  
19 the day after the fire, which you previously  
20 agreed showed the receptacle essentially alongside  
21 the foot of the bed, you're now saying we have to  
22 disregard all of that?

23 Why? Because Mr. Stiffler says the  
24 table was towards the head end of the bed?

25 A. I think the perspective is skewing your

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

151

1 comments. But, I mean, the planking has the  
2 receptacle within 2 feet of the window.

3 Q. Why? Did you measure it? Did anyone  
4 measure it?

5 A. No, but there's probably a way to look  
6 back at it now that you brought these questions up  
7 and maybe look at the planking on the wall and see  
8 how many planks there are for the size of the  
9 room.

10 Q. Did you do that?

11 A. Generally, yeah, I did consider the  
12 location of the receptacle to the cable and asked  
13 myself, was the receptacle close enough to the  
14 cable. And I believe it was.

15 And I believe for that reason, the  
16 location of the cable could only have been -- if  
17 in use by Mr. Stiffler -- on the west side of the  
18 bed.

19 So the idea to propose that the table is  
20 where it was found at the foot of the bed prior to  
21 the fire originating is preposterous, right?

22 I don't think it's a consideration. You  
23 can make that argument to a jury, right?

24 Q. If we get there.

25 A. And they would have to believe either



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

152

1 the argument you're making or believe that what  
2 I'm saying and what the Stiffles are saying is  
3 reasonable.

4 Q. To be fair, you didn't conduct any --  
5 you didn't take any measurements whatsoever for  
6 the orientation or position of that receptacle,  
7 true?

8 A. I was not present to do that, correct.

9 Q. And you didn't take any measurements for  
10 the -- to indicate or position the bed within the  
11 room relative to any of the walls, correct?

12 A. Correct.

13 Q. And you didn't take any measurement from  
14 how far the receptacle is to where Mr. Stiffler  
15 said the table was, correct?

16 A. Correct.

17 Q. And you don't know the measurement of  
18 the charging cord that was ostensibly being used  
19 to charge the phone at the time of the fire,  
20 correct?

21 A. Correct.

22 Q. And you don't know whether that cord was  
23 long enough to get from the receptacle to that  
24 phone sitting on that table if, indeed, it was in  
25 the positin in which Mr. Stiffler reported it,

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

153

1 correct?

2 A. Correct.

3 Q. Okay. And, in fact, the only thing --  
4 one of the things you can say is that despite what  
5 Henry 167 shows and what you previously agreed  
6 depicts the receptacle alongside of the foot end  
7 of the bed, you now believe that contrary to what  
8 is plainly evident from the photograph, that  
9 receptacle is actually at the head end of the bed.

10 Is that your perspective?

11 A. I believe that the -- I believe that the  
12 receptacle is within 2 feet of the window. And I  
13 believe that that bed's within 4 feet of the wall.  
14 The length of the cord I do not know.

15 Q. Okay.

16 A. The dimensions of the table, I do not  
17 know.

18 Q. How wide is that receptacle?

19 A. A standard receptacle?

20 Q. Sure.

21 A. Two-and-a-half inches, 3 inches.

22 Q. Which one?

23 A. Which one?

24 Q. Yeah. 3 inches, two-and-a-half or  
25 something different?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

154

1           A.    The cover's probably 3 inches. The  
2   rough opening is probably two-and-a-half.

3           Q.    Does the damage to the lowered ceiling  
4   joists depict or indicate to you anything other  
5   than that the fire originated in the western half  
6   of the room?

7           A.    It's consistent with the fire  
8   originating in the western half of the room.

9           Q.    Anything else?

10          A.    Duration of burn, when you compare it to  
11   the other structural members.

12          Q.    That it just burned longer in the  
13   western half of the room?

14          A.    Well, what happens is the drywall will  
15   expand and collapse. So over an origin of a fire,  
16   you can lose the drywall, the membrane, and then  
17   permit fire to travel vertically.

18          Q.    Have we talked about all of your  
19   opinions related to the structural analysis you  
20   did of the ceiling and how that formed your area  
21   of origin analysis?

22          A.    It simply supports that analysis.

23          Q.    Okay. The next thing you mentioned was  
24   the hole burned in the floor alongside the west of  
25   the bed, which you believe was consistent with the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

155

1 duration of burns in that area.

2 What do you mean by that?

3 A. That a fire was burning in that area  
4 longer when one considers that the bed purportedly  
5 was made, and the fuel configuration, being a bed,  
6 is equal and the burns outside of the bed, there's  
7 reportedly, other than the TV stand, nothing in  
8 that location to cause the damage to the floor.

9 Q. If there was a comparatively more amount  
10 of fuel in that location, would that account for  
11 the hole in the floor in that location?

12 A. Yeah.

13 Q. Meaning, if when Mr. Stiffler got out of  
14 the bed, some of the bedding fell onto the floor  
15 in that location, would that be consistent with an  
16 increased level of damage in that location?

17 A. Sure.

18 Q. Okay. Do you know whether that happened  
19 or not?

20 A. All I know is the damage that resulted.

21 Q. Okay. Next you said a hole burned in  
22 the center of the floor on the top of the bed. I  
23 don't know what the significance of that was, but  
24 can you explain it to us?

25 A. Yes. I just noted that that was one of

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

156

1 the other areas that there was a hole burned  
2 through the floor at the end of the bed in the  
3 center.

4 Q. And what's the significance of that to  
5 you in your origin determination?

6 A. Just that there was something there that  
7 had burned for a period of time.

8 There's also, in that general location,  
9 the pillows, which generally are foam pillows,  
10 they burn rather vigorously, would be consistent  
11 with that type of damage.

12 Q. Very good.

13 And does that relate to your origin  
14 determination or just the fact that there was an  
15 increased fuel source from the pillows in that  
16 location?

17 A. It's just my analysis of what I'm  
18 observing in the physical damage to the structure.

19 Q. Does it relate to a point of origin? Or  
20 just again, the fact that the pillows were there,  
21 pillows burn vigorously and you're likely to see  
22 increased damage in the area of the pillows?

23 A. I mean, that's what I would assume it  
24 is.

25 Q. Okay. The next thing you mentioned was

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

157

1 loss of mass of the clothing in the closet and the  
2 structural elements in the closet were consumed.

3 What's the significance of that?

4 A. So a fire starting on the western side  
5 of the bed and involving the closet, which was  
6 open, had a large fuel source to grow rapidly.

7 So in this instance, once the door's  
8 open, Mr. Stiffler is in the hallway, you expect  
9 rapid development of the fire due to the bedding  
10 materials and combustible materials.

11 Q. Does the fact that the clothing, which  
12 was a big fuel source, were consumed in the fire  
13 tell you anything about the point of origin of the  
14 fire?

15 A. Well, comparatively, the closet is  
16 filled with clothes the whole way across.  
17 Clothing remained over towards the eastern wall  
18 versus the western wall.

19 Q. Do you have any photographs that depict  
20 what you're explaining?

21 A. Page 21, Allegheny County Fire Marshal  
22 photo 362.

23 Q. Is there a door to that closet?

24 A. No. It was open.

25 Q. Was it open the whole way across?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

158

1 A. Yes.

2 Q. Okay. 362?

3 A. You can see there's a large pile of  
4 clothes in the upper left corner.

5 Q. Hold on. I'm pulling that up.

6 Okay. I see.

7 A. So in the analysis of loss of mass in  
8 the room, the compartment fire, the chair and the  
9 bottom of the furniture remained over on the  
10 eastern side versus the western side.

11 Same with the closet.

12 Q. And does that have anything to do with  
13 where the fires -- where the flames were  
14 ventilating out of?

15 A. No.

16 Q. Why not?

17 A. Because the ventilation patterns  
18 wouldn't exist through there. They would exist  
19 from the doorway out through the window.

20 Q. Right.

21 Away from where those clothes are  
22 located, right?

23 A. Correct.

24 Q. And that's sort of my question.

25 If the flames were being ventilated away

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

159

1 from all those, is it not unsurprising that some  
2 of them remained unconsumed in that area?

3 A. No, it's -- the analysis as well is the  
4 loss of mass, so what you're assuming is that this  
5 air's moving into this room and selectively  
6 burning mass in dead air spaces. And that's not  
7 the case.

8 The case is the patterns are visible to  
9 the bottom of the bed and the entranceway to the  
10 floor where the fresh air is entraining in there  
11 and it's causing that heat damage.

12 The closet area is a dead air space, and  
13 so it's not -- I wouldn't expect that a  
14 ventilation pattern would play a role far into the  
15 room, particularly when in between there is the  
16 head of the bed, which still has bedding material  
17 on it.

18 Q. Okay. Anything else?

19 A. No.

20 Q. Was there anything else about the fire  
21 patterns that informed your origin analysis?

22 A. Well, there was a lack of damage to the  
23 south, the B, Bravo, wall from the combustion of  
24 the chair.

25 Q. What's the significance of that in your



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

160

1 view?

2 A. I would attribute that to air  
3 entraining.

4 Q. I thought you weren't gonna say that  
5 anymore.

6 Okay. But what's the significance of  
7 that to your origin opinion?

8 A. To my origin, nothing.

9 I'm just observing the patterns in the  
10 room relative to the reported fuel packages.

11 Q. All right. I'm just trying to figure --  
12 I'm trying to walk through the three NFBA prongs  
13 of an origin analysis.

14 We covered witness testimony. I think  
15 we've now covered fire patterns.

16 But what I'm trying to figure out is  
17 whether there are any other fire patterns that  
18 informed your analysis of your origin  
19 determination before I move on to fire dynamics.

20 A. No.

21 Q. Did you also consider fire dynamics in  
22 coming up with your origin determination?

23 A. Yes.

24 Q. What are fire dynamics?

25 A. Fire dynamics is the analysis of

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

161

1 compartment and the fuels and the arrangement of  
2 the ventilation openings relative to a fire's  
3 growth in ventilation in a structure.

4 Q. And so tell me what your analysis with  
5 respect to fire dynamics entailed in making your  
6 origin determination in this case.

7 A. So the information provided by  
8 Mrs. Stiffler's that she first observed when she  
9 entered the hallway is considered -- is consistent  
10 with the statement of Mrs. Stiffler and her  
11 husband, Arthur, that she walks out into the  
12 hallway, she can see the fire and smoke coming out  
13 of the bedroom and she goes to get Mr. Stiffler.

14 And as he comes back, the smoke is now  
15 pushing its way down towards the floor. They  
16 extricate their son. Arthur says he extricated  
17 his wife also to the outside.

18 And the patterns on the wall indicate  
19 that in that period of time, the window to the  
20 bedroom failed, because the patterns reversed  
21 themselves and began venting out the west wall.

22 Q. Did the fire pattern suggest to you  
23 anything other than the room of origin was Robert  
24 Stiffler's bedroom?

25 A. Well, analysis of dynamics have involved

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

162

1 consideration of time. So how far was the fire  
2 developed prior to the door being opened? How  
3 rapidly did the fire grow after the door was  
4 opened?

5 And the testimony, which is consistent  
6 with the patterns that are observed on the second  
7 floor, is that the fire grew rapidly after the  
8 door was opened.

9 The observations of Mrs. Stiffler  
10 relative to fire dynamics is that the fire is  
11 towards the north Delta wall.

12 Q. And that's what we talked about earlier.

13 A. Correct.

14 Q. Her being able to -- from her vantage  
15 point in the hallway coming out of the primary  
16 bedroom is that the -- if we take her testimony to  
17 be true, that the fire would have originated  
18 somewhere in the northern 4/5ths of that room as  
19 we discussed earlier, correct?

20 A. Correct.

21 Q. Does the analysis of fire dynamics  
22 narrow it further than just focusing on fire  
23 dynamics?

24 A. No, you have to incorporate other  
25 factors, the burn injuries to Mr. Stiffler.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

163

1 Q. Understood.

2 I'm just sort of taking them one at a  
3 time.

4 Okay. So have we now talked about your  
5 opinions with respect to fire dynamics as it  
6 relates to your origin determination?

7 A. Yes.

8 Q. Let's take a five-minute break.

9 Maybe we can finish up origin and move  
10 on over to cause, which I'm sure we're all excited  
11 to talk about.

12 (Recess - 2:37 p.m. - 2:50 p.m.)

13 BY MR. COPENHAVER:

14 Q. Mr. Ryhal, we are back from our break.

15 I want to finish up on origin before I  
16 move on to cause.

17 So we discussed a lot about fire  
18 dynamics and fire patterns and statements from --  
19 or the deposition testimony that you reviewed.

20 And from your report that we've marked  
21 as Exhibit 11, it appears that you have put the  
22 point of origin, quote, in the immediate vicinity  
23 of the table, end quote, along the western side of  
24 Mr. Stiffler's bed, is that right?

25 A. Correct.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

164

1 Q. Okay. How were you able to pinpoint it  
2 to that degree of specificity in the immediate  
3 vicinity of the table?

4 A. Mr. Stiffler's statement and his burn  
5 injuries.

6 Q. Well, sir, we already talked about --  
7 well, let me ask this. When you say immediate  
8 vicinity of the table, how far does that immediate  
9 vicinity extend?

10 A. Within the area of the table to the bed  
11 where Mr. Stiffler's located.

12 Q. Does it extend under the bed?

13 A. No, I believe the burn injuries are  
14 really specific. I mean, it could be the edge of  
15 the bed. Obviously there's a bed in there. There  
16 was a fire.

17 Q. That's what I mean.

18 I mean, if the fire originated on the  
19 edge of his bed between his body and the edge of  
20 the bed, would not -- I think we talked about this  
21 earlier. Would you not expect his injuries to be  
22 the same?

23 A. No, I wouldn't.

24 Q. I don't understand.

25 A. If the bed was on fire, it's a

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

165

1 horizontal surface, it's underneath him, his  
2 injuries would reflect that.

3 Q. I'm not talking about the bed -- I'm not  
4 talking about him sleeping on top of a fire.

5 I'm talking about -- how possibly are  
6 his injuries different if the fire starts on the  
7 table or a foot inwards on the bed but in the  
8 same -- but in the same relative position to his  
9 face?

10 A. I think it's fair to say to say that --  
11 I would say it's in the immediate vicinity.

12 Can I tell exactly where it started?

13 No.

14 Q. So what I'm saying is, you allow for the  
15 possible -- both the patterns of his injuries and  
16 the patterns of the fire are as consistent with it  
17 starting immediately under the bed, as it is  
18 6 inches away on the table, true?

19 I mean, you can't narrow it down to that  
20 level of specificity, can you?

21 A. I don't think I did.

22 Q. Okay. Well, that's why I asked how far  
23 does immediate vicinity extend.

24 A. Immediate is subjective.

25 Q. That's right.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

166

1 Well, that's why I'm asking --

2 A. I can't say it's an inch, 5 inches or  
3 10 inches. I'm just saying that I believe that it  
4 started in that area and the primary evidence are  
5 his burn injuries, how localized they are. They  
6 are localized to his face.

7 Q. And what I'm asking -- because one of  
8 the reasons you said that is the burn injuries.  
9 And I'm saying -- and I thought we had covered  
10 this earlier, but I just want to make sure that  
11 I'm right.

12 If -- you would expect the same injuries  
13 whether the fire started on the table top or  
14 10 inches over on the bed, but along the same  
15 line, true?

16 A. Mr. Stiffler's lying on the bed. I  
17 would expect that if there's a bed fire, he would  
18 have injuries to his shoulders, neck, side of his  
19 face.

20 Q. Are you basing that on anything?

21 A. I'm basing it on my understanding of our  
22 flesh's response to fire.

23 Q. Okay. What I'm asking you is, if a fire  
24 started in front of his face on the bed, that  
25 would first burn his face, correct?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

167

1 A. Correct.

2 Q. And if a fire started on the table,  
3 6 inches away --

4 A. But not his chest, right? In your  
5 argument, the fire was specific to his face. It's  
6 so localized that it only burns his face.

7 Q. If that's what woke him up, sure, before  
8 it got to any portion of his body.

9 Just like if a fire started 6 inches  
10 away on the table top and it got to his face  
11 first, you would expect burn injuries on his face,  
12 correct?

13 A. Correct.

14 Q. Okay. Is that correct? I mean, isn't  
15 that right?

16 A. I mean, I'm not saying that the edge of  
17 the bed isn't on fire. I didn't say that.

18 My point is, is that if the bed was on  
19 fire -- from a bed fire, a smoking fire, I would  
20 expect to see greater injury to Mr. Stiffler.

21 Q. Okay. And my question to you -- I mean,  
22 if we're just thinking about this chronologically.  
23 Let's say it's a smoking fire and he was smoking  
24 and passed out or fell asleep, whatever. I don't  
25 care which.



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

168

1           The cigarette or whatever he was smoking  
2    ignited the head side of his bed, not under his  
3    shoulder, not under his torso, not under his legs,  
4    but 6 inches away from the table. It burns his  
5    face. It woke him up.

6           Wouldn't those injuries be exactly the  
7    same as if something ignited on the table top  
8    6 inches away and burned his face and woke him up?

9           A.    You can make that argument.

10          Q.    I'm not making that argument.

11                I'm asking you what your opinion is.

12          MR. SANTICOLA: Well, I'm gonna object.  
13    I mean, I'll let you answer the question, but  
14    that's exactly what that is. That's proposing an  
15    answer. It's an argument. It's not really a  
16    question.

17                There was no smoking material or  
18    evidence of smoking material in the area.

19          MR. COPENHAVER: Well, I'm not going to  
20    let you testify.

21          MR. SANTICOLA: Well, but that's what  
22    you're -- you're presupposing something that  
23    doesn't exist.

24          MR. COPENHAVER: I said, if, which is a  
25    hypothetical.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

169

1                   MR. SANTICOLA: Which is why I make that  
2 argument but you can ask him again. He can answer  
3 it.

4                   THE DEPONENT: It's why I don't like to  
5 answer hypotheticals.

6 BY MR. COPENHAVER:

7           Q.     So --

8           A.     Again, if you're presuming it is a bed  
9 fire, his injuries are actually very directional.  
10 They are to the front of his face. They're not to  
11 a portion of his face. They're to his overall  
12 face.

13                   He lacks damage on the side of his head  
14 which was lying closest to the bed and on the  
15 pillow. He lacks damage to the top side of his  
16 head, which was facing open air. He lacks damage  
17 to the back side.

18                   So his injuries are consistent with the  
19 bed being on fire -- the pillow material which  
20 he's lying his head on. So it is a directional  
21 burn.

22                   Now, the idea that -- if you want to  
23 argue, is it on the bed? Well, obviously the bed  
24 caught on fire.

25                   But what was the duration of his

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

170

1 exposure to the fire by his injuries is limited,  
2 because his injuries are limited to the immediate  
3 frontal lobes of his face. No neck damage,  
4 shoulder damage. It's localized.

5 Q. Can you point me to any study,  
6 experiment, literature or test that supports the  
7 notion that his injuries are inconsistent with a  
8 smoking fire?

9 A. No.

10 Q. Did you do any -- did you do any  
11 evaluation, test, study or analysis to make that  
12 determination?

13 A. I guess I'm just going from my  
14 experience of burn injuries, investigating fires  
15 with burn injuries.

16 Q. So did you do any test, study,  
17 experiment or analysis for this case to attempt to  
18 demonstrate that to a jury?

19 A. Repeat it?

20 Q. Did you do any test statement -- test,  
21 experiment, study or analysis to attempt to  
22 demonstrate that or prove that or assess that for  
23 use in this case?

24 A. The testing of it is developing a  
25 hypothetical and examining the burn patterns

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

171

1 relative to the various burn scenarios. Fire  
2 would be a better word.

3 Q. Are there any case studies that you  
4 relied on, any surrogate analyses that you relied  
5 on that would demonstrate that his injuries are  
6 somehow inconsistent with a smoking fire?

7 A. No.

8 Q. Are those available in the literature?

9 A. Smoking-related fires?

10 Q. Yeah. An analysis of what types of  
11 injuries are or are not consistent with  
12 smoking-related fires?

13 A. I believe there's probably some analysis  
14 of that.

15 Q. Okay. And you didn't look up any of  
16 that for your work in this case?

17 A. Specifically his injuries are not  
18 consistent with my experience with people that  
19 have suffered burns from smoking-related fires.  
20 Those fires, generally, the injuries are  
21 extensive.

22 Q. But, I mean, I didn't see any -- I don't  
23 see that you cited to anything for that in your  
24 report or now. I'm just trying to figure it out.

25 A. Right.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

172

1           Q.    Is there anything that you can cite to  
2   that supports that?

3           A.    No, just my belief.

4           Q.    Is there any type of surrogate testing  
5   that could be done that would demonstrate this  
6   phenomenon that his injuries are inconsistent with  
7   burn injuries from discarded smoking material?

8           A.    I guess you could try to test that, but  
9   you would have to assume that what he had told us  
10   is true, which you are not.

11                Look, I mean, if -- again, we're just  
12   guessing, right?

13                You want to put it as a smoking-related  
14   fire.

15           Q.    Well --

16           A.    What would his injuries look like then?  
17   I don't know.

18           Q.    But you're the expert.

19                You're the one who said it's not a  
20   smoking-related -- you're the only one who said  
21   it's not a smoking-related fire.

22                There's a burden of proof that you have  
23   to demonstrate that.

24                I'm asking what the -- I'm asking what  
25   you're citing to to discount smoking as the cause

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

173

1 of the fire based upon his injuries.

2 A. The injuries to Mr. Stiffler are  
3 directly to his face. They're directional.  
4 They're not an area pattern.

5 So I believe that is evidence of -- that  
6 he suffered a thermal burn to his face, which was  
7 in the immediate vicinity, according to his  
8 testimony, as he slept at night in front of the  
9 cable.

10 The injuries to the bottom of his feet  
11 are consistent with him standing up in an area  
12 where there's fire or getting burnt as he's  
13 dragging himself away from it.

14 Q. Did the fire start on the floor?

15 A. Apparently there was fire on the floor  
16 when he stands up or he is trying to get away.  
17 He's in a prone position, because he suffers burns  
18 to his knees, his shin and the bottom of his feet.

19 Q. And he escapes the room in the early  
20 part of the fire, we talked about, before  
21 flashover, correct?

22 A. Yes.

23 Q. And there's fire on the floor when he  
24 gets out of the room, correct? You just said?

25 A. I didn't say that specifically. I said,

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

174

1 as he's escaping, he could have pulled the cable  
2 and got him down onto his feet as he's trying to  
3 get away. I don't know. I couldn't say.

4 But all I can say is the burns are so  
5 specific, the fire, at the stage where he's  
6 involved with it, is a limited fire, because his  
7 injuries are specific to different locations of  
8 his body.

9 And that is inconsistent with what the  
10 Fire Marshal is saying, where the Fire Marshal  
11 opined that the fire starts at bottom of the bed,  
12 it's smoking-related; therefore, if that were the  
13 instance, Mr. Stiffler would have suffered  
14 extensive burns to his knees, waist down.

15 Q. When did the fire start on the floor?

16 A. The fire on the floor?

17 Q. Yeah. Before or after the table?

18 A. Well, there were no ignition sources on  
19 the floor. The bed skirt does not go down to the  
20 floor.

21 Q. So how do you --

22 A. So there's a disconnect between the  
23 floor and the bedding materials.

24 So a fire on the bed, with the bedding,  
25 the bedding is a potential which caused his burns

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

175

1 to his feet. I don't know.

2 All I know is it's very specific and  
3 that is not from a fire that has grown to any  
4 magnitude, his injuries.

5 Q. All right. Is it your opinion one way  
6 or the other whether there was fire on the floor  
7 when he escaped the room?

8 A. I don't know how he got the injuries to  
9 the bottom of his feet, either standing up -- but  
10 he doesn't have injuries to his ankles, so,  
11 therefore, the fire on the floor is probably not  
12 likely that he's standing in fire. He doesn't  
13 have those injuries.

14 He has thermal injuries to the bottom of  
15 his feet. And he had discussed that he was trying  
16 to get out of the room, doing a crawl.

17 And at some point, the bottom of his  
18 feet were exposed to that area of fire, which also  
19 involved his face.

20 Q. But you don't know how?

21 A. Well, I know one thing, he can't bend  
22 over and receive the burn to his face and his feet  
23 at the same time.

24 I know they're two different parts of  
25 the body that received burning. That is clear to



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

176

1 anyone that looks at his burns.

2 So it could only have occurred -- and he  
3 surmises this in his deposition, he thinks that he  
4 remembers getting up, falling in the fire, the  
5 fire involving his face and then he has some  
6 injuries to his feet. Exactly how that happens, I  
7 can't explain that.

8 Q. If the fire on -- if the fire did  
9 start -- originate on top of the fire [sic] but  
10 was ignited by smoking material, how would your  
11 analysis be any different?

12 How would his injuries be different?

13 A. As I repeated, I think that he said he's  
14 asleep, that a fire on the bedding where he's  
15 sleeping, in the manner that he says he sleeps, at  
16 the edge of the bed with his face immediately  
17 adjacent to the table, that we would see injuries  
18 on the entirety of his head.

19 Q. Why would it be -- I thought you said  
20 that the lack of injuries to the rest of his head  
21 suggests that the fire didn't originate on the  
22 bed.

23 But I'm saying if it originated on the  
24 table, but just the source of the ignition was  
25 different -- the source of the ignition is what

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

177

1 changes the injuries on his head, in your opinion?

2 A. I'm not surmising that he was smoking.

3 I have no reason to believe that he was  
4 smoking.

5 Mr. Stiffler was outside smoking  
6 immediately before he went to bed. There was no  
7 history of Mr. Stiffler smoking in his bedroom.

8 Q. Hold on. Hold on.

9 A. You're saying that he went to bed,  
10 immediately lit up to cigarette, fell asleep, lit  
11 his bed on fire.

12 How long does that ignition scenario  
13 take?

14 Q. Question. Hold on. Back up.

15 You said there's no history of him  
16 smoking in his room. That's what he told you,  
17 right? Or what he testified to, right?

18 A. And his mother and his father.

19 Q. Well, his mother said she couldn't rule  
20 it out.

21 You saw that, right?

22 A. She was saying she didn't have absolute  
23 certainty, correct.

24 Q. Do you have absolute certainty?

25 A. Yeah, I believe the preponderance of the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

178

1 evidence is he was outside smoking and he retired  
2 to bed.

3 Q. Okay. There's -- the two people who  
4 actually investigated it, went to the scene, said  
5 there was smoking materials found in his room,  
6 correct?

7 A. Yes.

8 Q. Okay. What I'm asking you is, I want  
9 you to assume that there was a careless -- there  
10 were carelessly discarded smoking materials on the  
11 table next to his bed.

12 A. That's impossible, because if we're  
13 gonna assume the Fire Marshal and Mr. Henry are  
14 correct, then we're gonna assume the fire's on the  
15 bed.

16 Q. Hold on. Hold on. We lost counsel. I  
17 can't do this without him. We're back.

18 MR. SANTICOLA: I was on my internet  
19 using my laptop and our -- my link went down so I  
20 put it on -- you know, my other TV.

21 MR. COPENHAVER: I stopped when I  
22 noticed you were gone.

23 MR. SANTICOLA: Go right ahead. Sorry  
24 about that.

25 MR. COPENHAVER: Yeah, no worries.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

179

1 BY MR. COPENHAVER:

2 Q. Mr. Ryhal, you can continue your  
3 response.

4 A. I said, we are assuming that the Fire  
5 Marshal and Mr. Henry are correct and the Fire  
6 Marshal has the fire at the base of the bed.

7 It's not consistent with the injuries to  
8 Mr. Stiffler. In fact, I think everything points  
9 to the opposite end of the bed.

10 Q. I'm asking you to come along with me in  
11 a hypothetical. I know you don't like them, but  
12 I'm gonna ask you to do that.

13 I want you to assume that Mr. Stiffler  
14 carelessly discarded some smoking material on the  
15 table next to his bed.

16 A. On the table?

17 Q. On the table.

18 A. Okay.

19 Q. And that's what ignited whatever fuel  
20 was on the table.

21 A. What type of smoking materials are they?

22 You said there were cigarettes found  
23 there, right?

24 Q. Cigarettes, marijuana pipe, some --

25 A. No marijuana pipe was found.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

180

1           The marijuana pipe was found underneath  
2   the bed and the box spring and it's incapable of  
3   traversing down through that series of materials  
4   to where it was.

5           It was located under the bed and  
6   unrelated to this fire.

7           Q.   Got it.

8           So everything we see in the fire  
9   department photos were unmoved during renovation,  
10  including the table?

11          A.   Well, no.

12          Q.   Just the table was moved?

13          A.   Don't change the subject. We're talking  
14  about the pipe. You want me to presume a pipe is  
15  where it wasn't found.

16          Q.   So the pipe wasn't moved, just the table  
17  was moved.

18                Was anything else moved?

19          A.   The table was moved either by fire  
20  department suppression, Mr. Stiffler or both.

21          Q.   Got it.

22                But the pipe definitely wasn't moved?

23          A.   No. You can go through the series of  
24  progression of the recovery of the pipe by the  
25  Fire Marshal and it clearly is underneath the bed.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

181

1 Q. Got it.

2 So I want you to assume that a fire  
3 started on the table as a result of carelessly  
4 discarded smoking material.

5 A. I'm asking you, give me an ignition  
6 source.

7 Q. I'm asking you to assume that a fire was  
8 started by carelessly discarded smoking material  
9 on the table.

10 Do you have a basis to say his opinions  
11 -- or his injuries would be any different?

12 A. I believe I could say with a great  
13 degree of certainty that I could probably lay  
14 about 20 to 50 to a hundred cigarettes on the  
15 table, lit, fire safe cigarettes, and they are not  
16 going to burst into open flames.

17 So the fire starting on the table with  
18 respect to this hypothetical is impossible in my  
19 opinion.

20 Q. What type of fuel would need to be  
21 present on the table for a burning cigarette to  
22 ignite it?

23 A. You would need a combustible material,  
24 fabric, whatever, that would readily catch on fire  
25 with that sort of heat source.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

182

1 Q. Was there fabric on the table?

2 A. No.

3 Q. Why not? How do you know?

4 A. It's a wood table with a wood top.

5 Q. So you can put anything you want on the  
6 table?

7 A. Pardon?

8 Q. You can put anything you want on a  
9 table?

10 MR. SANTICOLA: Was that a question?

11 BY MR. COPENHAVER:

12 Q. Yeah.

13 How do you know there was no -- how do  
14 you know there was no fuel source on the table?

15 A. The statements of Mr. Stiffler.

16 Q. Got it.

17 Okay. You mentioned annealing on the  
18 box spring or the bed frame. What does that say  
19 about your origin analysis?

20 A. The annealing is generally consistent  
21 across the bottom of the bed and the damage that  
22 was observed and the holes in the floor underneath  
23 the bed were consistent, in my opinion, with  
24 ventilation problems.

25 Q. So what does that annealing say, if

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

183

1 anything, about your origin analysis?

2 A. Well, at the area of where I believe the  
3 fire started, there is oxidation patterns which  
4 are specific to the bed frame.

5 And it's consistent with the general  
6 location of a hole in the floor.

7 Q. So what does that mean about where the  
8 fire originated?

9 A. Generally oxidation reveals patterns  
10 which involves a greater heat exposure to steel.

11 Q. Again, where -- either annealing or  
12 oxidation on the bed frame, what does it tell you  
13 about the location of where the fire originated?

14 A. The annealing of the bed just simply  
15 exhibits the patterns on the lower half of the  
16 bed, which I believe were consistent with  
17 ventilation patterns.

18 And the primary, I think, observations I  
19 had was the oxidation on the bed frame is specific  
20 to a certain location, which is adjacent to where  
21 there's a hole in the floor, which is adjacent  
22 immediately to the south of where the table was  
23 located.

24 MR. COPENHAVER: Okay. Hold on. We  
25 lost Mike again.



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

184

1                   MR. SANTICOLA: Sorry about that. I'm  
2 not sure what happened there.

3 BY MR. COPENHAVER:

4           Q. I don't think I got an answer to my last  
5 set of questions, which I know you're gonna fight  
6 with me on the hypothetical, but I still want you  
7 to assume it's true.

8                   I want you to imagine a fire was started  
9 on -- that carelessly discarded smoking material  
10 has ignited some fuel on the table top adjacent to  
11 the bed.

12                   Are you with me so far?

13           A. Okay.

14           Q. Would you expect his injuries to be any  
15 different?

16           A. I don't know. I don't know what the  
17 fuels are. I would say they would be less.  
18 They're not on the bed --

19                   MR. COPENHAVER: We lost Mike. Hold on.  
20 Hold on. We lost Mike.

21 BY MR. COPENHAVER:

22           Q. Why would they be different? Why would  
23 they be less?

24           A. It would be dependent on the fuel, the  
25 carelessly discarded fuel that you're referring

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

185

1 to.

2 Q. Well, I'm referring to the smoking  
3 materials being carelessly discarded and  
4 carelessly discarded meaning being in proximity to  
5 whatever fuel was present on that table top.

6 What was the fuel that you believe  
7 caused his injuries?

8 A. The only identifiable fuel that caused  
9 his injuries was the iPhone battery, which ignited  
10 probably then the bedding.

11 Q. And we talked about this earlier.  
12 Something needs to be a competent ignition source  
13 in order to be attributed as the cause of the  
14 fire, right?

15 A. Correct.

16 Q. And you've done no analysis to determine  
17 whether an iPhone at that reported state of charge  
18 is a competent ignition source of any fuel,  
19 including bedding, correct?

20 A. Only that it can suffer a thermal event.

21 Q. Yeah, but my example --

22 A. Would it be significant enough to ignite  
23 combustible materials? I believe so.

24 Q. But you've performed no analysis to  
25 determine that, correct?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

186

1           A.    No, I leave that to others.

2           Q.    All right.  And you're aware of no  
3   analysis being conducted on that that anyone has  
4   conducted, true?

5           A.    True.

6           Q.    And if an iPhone in that start of charge  
7   was not a competent source to ignite fuel --  
8   sorry, to ignite that or any other type of fuel in  
9   proximity, then that stands to reason that it  
10   could not have caused the fire, correct?

11          A.    Then my hypothesis would be incorrect,  
12   correct.

13          Q.    Can a lit cigarette on top of a bed  
14   cause a fire?

15          A.    Yes.

16          Q.    Could a lit cigarette of the type that  
17   Mr. Stiffler smokes left on top of bedding cause a  
18   fire?

19          A.    It could cause a fire.

20          Q.    A lit cigarette is a competent ignition  
21   source?

22          A.    It can be.

23          Q.    The type of cigarettes that Mr. Stiffler  
24   smokes could be a competent ignition source?

25          A.    It can be.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

187

1 Q. Can ignited -- an ignited marijuana pipe  
2 be a competent ignition source?

3 A. It can be.

4 Q. You ruled out smoking as the cause of  
5 the fire in this case, as I understand it, for --  
6 based upon Mr. Stiffler's testimony in one  
7 respect, correct?

8 A. Correct.

9 Q. Based upon the injuries to his face,  
10 correct?

11 A. Correct.

12 Q. Anything else?

13 A. There's no evidence of smoking materials  
14 in the location of the head of the bed.

15 MR. SANTICOLA: He has already testified  
16 as to the speed of the fire.

17 MR. COPENHAVER: Hold on, Mike. Let him  
18 testify, please. I don't want you to do it.

19 BY MR. COPENHAVER:

20 Q. You didn't -- you said there's no  
21 evidence of smoking materials in the area of the  
22 head of the bed.

23 You understand that people who inspected  
24 the room, unlike yourself, reported finding  
25 evidence of smoking materials in the area of

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

188

1 origin, right?

2 A. The smoking materials in their area of  
3 origin or your area of origin? Or my area of  
4 origin?

5 Q. In Mr. Stiffler's room.

6 A. Smoking-related materials that were  
7 observed in their photographs included a pipe,  
8 which was underneath the bed. And at the head of  
9 the bed, near the closet, I believe there was a  
10 cigarette pack. I would say it's an older  
11 cigarette pack that was not -- I don't know if  
12 it's Marlboro, but something was different about  
13 it.

14 But anyways, it was underneath clothing.  
15 It was protected on the floor.

16 The presence of a cigarette pack, which  
17 would have been in a pocket or whatever, there's  
18 no lighter discovered, they didn't discover  
19 anything that suggested that Mr. Stiffler had any  
20 way to even light the cigarette at that point.

21 There's nothing they discovered.

22 Q. If someone was smoking a cigarette, went  
23 into their room and passed out on their bed and  
24 that fire ignited that bedding on fire, would you  
25 expect to find that cigarette after the fire?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

189

1           A.     That's difficult to say. The butts,  
2     they'll tend to go away but depends -- but  
3     typically I would expect it would be difficult to  
4     find a cigarette.

5                 As I just addressed, I was addressing  
6     the ignition sources.

7                 Now we have moved from Mr. Stiffler  
8     hiding in his bedroom smoking, so now he's walking  
9     through the house smoking cigarettes.

10            Q.    I just asked a question whether or not  
11    you'd expect to find a cigarette in Mr. Stiffler's  
12    room after a fire like this, but you've answered  
13    it.

14                 That's fine.

15                 You mentioned the injuries were a reason  
16    that you discount smoking and you mentioned  
17    Mr. Stiffler's testimony about how he never smokes  
18    in his room.

19                 Is there anything else that allowed you  
20    to discount smoking?

21            A.    The fact that he was smoking immediately  
22    prior to going upstairs to bed.

23            Q.    Which suggests to you he wouldn't smoke  
24    again in his room?

25            A.    What would have been the purpose?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

190

1 Q. I'm just asking whether that was --

2 A. I believe his testimony that he wouldn't  
3 do that based on his testimony and his father's.

4 Q. And anything else that allowed you to  
5 discount smoking materials as a likely cause of  
6 this fire?

7 A. There's no ashtrays.

8 Q. Anything else?

9 A. Lack of ignition sources being present,  
10 like a lighter, ashtrays. There was no evidence  
11 of smoking occurring in the room.

12 Q. Anything else?

13 A. That's it.

14 Q. Okay. I take it you're not gonna offer  
15 any opinion about what caused -- what you believed  
16 caused the iPhone 6S Plus to undergo a battery  
17 thermal event?

18 A. Correct.

19 Q. Whether it's a result of alleged  
20 malfunction of the phone or its exposure to  
21 something or to damage or to the battery  
22 management system or anything else, that's not an  
23 analysis you performed, nor is it an analysis  
24 you're -- that's within your lane of expertise as  
25 you described earlier?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

191

1 A. Correct.

2 Q. Did you -- let's walk through your  
3 report on some of the other potential ignition  
4 sources you considered and ruled out.

5 We've talked about careless smoking by  
6 Mr. Stiffler, right?

7 A. Correct.

8 Q. Okay. We've mentioned the drug  
9 paraphernalia found in the room. And the reason  
10 you discounted that was its position under the bed  
11 and Mr. Stiffler's testimony, is that right?

12 A. Correct.

13 Q. Is there anything else with respect to  
14 the marijuana pipe that caused you to discount it  
15 as a potential cause of this fire?

16 A. There's no other smoking-related  
17 materials discovered in the bedroom, other than  
18 the cigarette pack that was under clothes.

19 Q. Fire causation due to failure of a  
20 lighting circuit.

21 Did you consider or reject that?

22 A. Yes, I did.

23 Q. How?

24 A. The lighting circuit proceeded over  
25 Mr. Stiffler's head and the switch was in the off



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

192

1 position.

2 Q. Was there any arc mapping performed?

3 A. According to the Fire Marshal and his  
4 team, they -- they looked at the circuitry and  
5 found it unremarkable.

6 Q. Was there any arc mapping that was  
7 performed?

8 A. That generally would be the process.  
9 You're looking at the electrical conductors, the  
10 process of trying to find arcs. Until you find an  
11 arc, you can't map it.

12 Q. Right. But did they --

13 A. So the circuitry would be drawn out in  
14 this instance and it would be arc free. So your  
15 arc map would be absent arcs.

16 Q. Well, right. But did they trace all of  
17 the circuits?

18 A. I don't see how at their level that they  
19 wouldn't be doing that. That's sort of a standard  
20 procedure.

21 Q. Do you see -- is there any indication  
22 that they did do that?

23 A. No, only their testimony.

24 Q. Their testimony?

25 A. Their statements in the report.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

193

1           Q.    Okay.  But did that indicate that they  
2   traced all of the circuits and performed an  
3   analysis of arc mapping the way you've described  
4   it?

5           A.    Well, absent calling them a liar that he  
6   reported that the system was eliminated as a  
7   course of ignition for the fire, would lead me to  
8   believe that they looked at it and did not find  
9   any arcs that would be related to causation.

10          Q.    So have you -- are you relying upon them  
11   discounting it for your opinion that it is  
12   discounted as a possible ignition source of the  
13   fire?

14          A.    You're talking about the lighting  
15   circuit?

16          Q.    Well, that was off.

17                But sure.  As long as -- as well as some  
18   of these other things.  I mean -- I guess my  
19   question is, for any of the electrical systems in  
20   the house, did you do any analysis independent of  
21   what's reported in the investigative reports that  
22   were provided to you?

23          A.    There was limited wiring in the  
24   photograph, which is consistent with what the Fire  
25   Marshal said.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

194

1           The receptacles I believe were something  
2   from below, so the fire didn't -- there was no  
3   reason to believe the fire originated anywhere  
4   near any of the receptacles.

5           And they eliminated what they believed  
6   was the light circuits, which was from their  
7   photographs, as I examined it.

8           So there was no indication that any of  
9   the hard wiring or circuitry in the room was  
10   causal. And the wiring that was above the  
11   ceiling, the fire damage isn't consistent with a  
12   fire in the interstitial space above the room of  
13   origin.

14          Q.   Page 6, fire causation due to high  
15   resistance connection or overheating of the  
16   extension cord powering the air conditioner in the  
17   northwest bedroom window.

18           Tell me what your analysis was in  
19   rejecting that hypothetical.

20          A.   Receptacle R-2, a fire originating in  
21   that location would be on the wall, drywall in  
22   this instance. And we have carpeting, nylon  
23   carpeting, with no report of extensive fuel load  
24   in this room of origin; i.e., clothing, sloppy  
25   housekeeping.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

195

1                   So the fire's ability to start at that  
2   receptacle and traverse itself to result in  
3   Mr. Stiffler's injuries is impossible in my  
4   opinion.

5           Q.   Fire causation due to mechanical or  
6   electrical failure of window air conditioner?

7           A.   Had the fire originated in the window  
8   air conditioner, the failure of the window would  
9   occur, which would result in a totally different  
10   fire that was observed by Mrs. Stiffler, as well  
11   as the injuries again to Robert.

12          Q.   Fire causation due to an electrical  
13   malfunction of the cable box or its appliance  
14   cord?

15          A.   The cable box was off.   Simply showing  
16   the time.

17                   And I believe that cable box, they -- I  
18   want to say it consumed like 20 watts.   It's a low  
19   heat device.

20                   And if there was a failure inside the  
21   box, I would expect it would stay inside the box.

22          Q.   Why?

23          A.   Because it's a steel box with limited  
24   combustible materials.

25          Q.   How many watts does the iPhone draw?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

196

1           A.    The charger for the iPhone, I believe,  
2    is like EC current. I thought it was 5 watts.

3           Q.    Is that less than 20?

4           A.    Yes.

5           Q.    Now, anything about the cable box other  
6    than that it consumed only 20 watts and that if  
7    there was a failure inside the box, you would  
8    expect it to stay inside the box?

9           A.    Correct.

10          Q.    Okay. Did anyone -- well, what  
11   analysis, if any, was performed to determine  
12   whether or not there was a failure inside the box?

13          A.    None.

14          Q.    Do you know whether there was a failure  
15   inside the box?

16          A.    There could be a failure inside the box.  
17   As a victim of the fire, certainly.

18          Q.    Well, if no analysis was done to  
19   determine whether or not there was a failure  
20   inside the box, how do you discount it?

21                Simply because you would expect it to  
22   stay inside the box?

23          A.    Yeah, I believe I could almost  
24   demonstrate it that that wouldn't be a competent  
25   ignition source.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

197

1 Q. But you have not done --

2 A. And, again, not to get into the  
3 hypotheticals again, it wouldn't result in the  
4 injuries suffered by Mr. Stiffler.

5 Q. You've done nothing to demonstrate that  
6 despite you saying that could be demonstrated?

7 A. Right. It's my mental testing of the  
8 scenarios.

9 Q. Got it.

10 Is there a reason you didn't do any of  
11 that testing?

12 A. That wasn't within the scope of the work  
13 I was asked to perform.

14 Q. If there was a failure inside the cable  
15 box that ignited some type of fuel on the table,  
16 why is that inconsistent with the injuries he had  
17 gotten?

18 A. No. Other than the TV, there is nothing  
19 else on the table other than cable box and the  
20 iPhone.

21 The time and duration for that event to  
22 turn into this localized flame, which burns  
23 Mr. Stiffler, I don't see it as a credible  
24 ignition source.

25 Q. Why?

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

198

1           A.    Well, I've already explained it.

2           Q.    Well, you just stated --

3           A.    There's no significant fuel load inside,  
4   other than a circuit board inside that cable box.  
5   It's absent any significant fuel. And it's  
6   located in the center of the table.

7                    So since it's in a metal enclosure, its  
8   heat release rate, its ability to release energy  
9   caused by a fire would be limited.

10                   And I don't believe it's a capable  
11   ignition source to result in the injuries that  
12   Mr. Stiffler suffered.

13           Q.    Fire causation due to an electrical  
14   failure or overheating of the Apple iPhone 6 Plus  
15   charging cord. Question mark.

16                   What's the reason that --

17           A.    I was wondering, Steve, what's the  
18   question?

19           Q.    I'm just going through your list.

20           A.    All right. You're saying -- I believe  
21   that it's a 5-0 cord. It's not a credible  
22   ignition source to cause this fire that occurred  
23   at the head of the bed.

24           Q.    Overheating and failure of an Apple 6S  
25   Plus battery.

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

199

1                   It seems like you discounted one through  
2   nine and were unable to discount 10 in your view;  
3   and therefore, you attributed the cause of the  
4   fire to that.

5                   Is that essentially the analysis?

6           A.    That's correct.

7           Q.    Was there anything affirmative about  
8   anything you saw in the one photo that you think  
9   is the iPhone that is supportive of that opinion?

10          A.    No.

11          Q.    Could you have run a test, in your mind,  
12   that would have assessed whether or not an iPhone  
13   at the stated level of charge was a credible  
14   ignition source of this fire?

15          A.    I don't have that ability. I relied  
16   upon the information provided by Apple that there  
17   were thermal events.

18                   And based on that, that would lead me to  
19   believe it is a credible ignition source.

20          Q.    Okay. A thermal event is different than  
21   something being an actual ignition source, right?

22          A.    Well, Apple provides photos of those  
23   thermal events.

24          Q.    Do you believe that just because a  
25   battery thermal event occurs, it's automatically



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

200

1 going to ignite something on fire? Is that your  
2 belief?

3 A. No.

4 Q. Do you believe that just because a  
5 battery thermal event occurs that in all instances  
6 it's a competent ignition source?

7 A. No.

8 Q. Okay. Do you know what level of state  
9 of charge any of those battery thermal events that  
10 have been reported regarding Apple iPhone 6 Pluses  
11 were?

12 A. No, I don't.

13 Q. Why didn't -- so at the start of your  
14 paragraph on page 28 of your report, determination  
15 of cause, you say you developed and tested the  
16 following hypotheses.

17 Why didn't you -- you didn't test this  
18 hypothetical for that Apple iPhone 6+ battery, did  
19 you?

20 A. The testing of hypotheses is against the  
21 data known. That's what the testing is. Not  
22 necessarily actual physical test. It was a mental  
23 exercise.

24 Q. Why didn't you test -- well, aside from  
25 a mental exercise, why didn't you test this to see

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

201

1 whether it was actually possible?

2 A. Why didn't I?

3 Q. Yeah.

4 A. Realistically?

5 Q. Realistically.

6 A. I don't have the budget.

7 Q. Fair enough.

8 A. If you're gonna give me an engineer,  
9 I'll test it all day long.

10 Right?

11 Q. Do you know whether or not testing has  
12 been conducted to determine whether or not battery  
13 thermal events at this low state of charge can be  
14 a competent ignition for a fire?

15 A. I want to say that I've heard of some  
16 testing, but -- no, I haven't reviewed any reports  
17 that would say that.

18 Q. Okay. And, you know, I think we've  
19 covered all this, but you're not being asked to  
20 and certainly don't intend to offer an opinion as  
21 to whether or not the subject iPhone had a  
22 manufacturing defect, correct?

23 A. Correct.

24 Q. And you're not being asked to, nor did  
25 you intend to offer any opinions that the subject

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

202

1     iPhone had a design defect, correct?

2             A.     Correct.

3             Q.     Don't take anything from this. I just  
4     ask this from everyone, every expert.

5                     Have you ever been limited or otherwise  
6     prevented from offering testimony in any case?

7             A.     By who?

8             Q.     A Court, a judge?

9             A.     No.

10            Q.     Okay. All right. I'm gonna take a look  
11     at my notes. Let's take a five-minute break and  
12     then we can wrap up.

13            A.     All right. Thank you.

14                     (Recess - 3:42 p.m. - 3:51 p.m.)

15     BY MR. COPENHAVER:

16            Q.     All right. Mr. Ryhal, are you okay to  
17     finish up now?

18            A.     Yep.

19            Q.     All right. I just want to make sure  
20     that I understand the four corners of your opinion  
21     as to the iPhone.

22                     As I understand it, you have attributed  
23     the iPhone -- or the cause of the fire to the  
24     iPhone really by process of elimination by ruling  
25     out other things that were within the area of

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

203

1 origin as you determined it to be, is that right?

2 A. Correct.

3 Q. Okay. And the area of origin, again, is  
4 in the immediate vicinity of the table that you  
5 believe was adjacent to Mr. Stiffler's head and  
6 face at the head end of the bed, correct?

7 A. Correct.

8 Q. All right. Have you seen the diagram  
9 that Mr. Stiffler drew?

10 A. No.

11 Q. Do you see that?

12 A. Yes.

13 Q. This is Exhibit A from his deposition.  
14 And can you see that he drew the table  
15 closer to the foot end of the bed?

16 A. Yes.

17 Q. All right. And that's inconsistent with  
18 where you believe the fire started?

19 A. Well, it's inconsistent with where they  
20 identified, you know, the table in the diagram,  
21 but again, that was not in active communication  
22 with them directly, so...

23 That location of the table where  
24 Mr. Stiffler has it in his diagram actually is in  
25 the area where there's a hole burnt through the

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

204

1 floor with heavy oxidation to the bed frame.

2 Q. But it's away from his face, is it not?

3 A. That's against his testimony.

4 What he testified to is that the table  
5 was right there.

6 Q. Right where?

7 A. Right in front of his face.

8 Q. So are we believing his testimony, this  
9 diagram or the other diagram?

10 A. I would say in all fairness to  
11 Mr. Stiffler, you would not be a viable  
12 architectural candidate. I don't know.

13 It's a diagram. I don't know what to  
14 say about it. But as a diagram, it's pretty  
15 crude.

16 Q. Okay. You didn't consider where  
17 Mr. Stiffler indicated the table was in performing  
18 your origin analysis, based on this diagram at  
19 least?

20 A. No, I didn't see that diagram. Even if  
21 you look at the window, the window is obviously  
22 not in the correct location.

23 Q. All right. Did -- is the list of  
24 hypotheses that you considered, was that generated  
25 from what Mr. Stiffler said was in what you

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

205

1 believe to be the area of origin or based upon  
2 materials found by the Allegheny County Fire  
3 Department?

4 A. The list that I developed in the testing  
5 for determination of cause is based upon the Fire  
6 Marshal's photos and documentation, John Henry's  
7 documentation, and the testimony of the Stifflers.

8 So I would have analyzed all their  
9 photos, looking for potential ignition sources.

10 Q. Was the cord for the iPhone ever  
11 captured?

12 A. I'm not aware if it was or it wasn't.

13 Q. Was it ever identified?

14 A. Again, I'm unaware if they identified it  
15 as a cord or not.

16 Q. And now that we have the better  
17 photos -- that I have the better photos from  
18 Mr. Henry, I want to make sure I understand which  
19 one you believe to depict the actual phone.

20 Can you remind me of what number that  
21 was?

22 A. You're asking why?

23 Q. Well, stipulated.

24 A. Henry 166.

25 Q. And is there a reason that you didn't

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

206

1 call that out in your report?

2 A. I just stated that I believe the iPhone  
3 was in the area of origin. So I don't have a  
4 close-up photograph to say with absolute  
5 certainty, but to me it appears to be the iPhone.

6 Q. What color was his phone?

7 A. I don't know that he had a protective  
8 cover on it.

9 Q. What color was the cover?

10 A. I don't know that. Wouldn't matter,  
11 because it had been subjected to fire.

12 The color of his iPhone is on the  
13 receipt, I thought.

14 Q. Can you go to Henry 144 and 145?

15 A. That's not in my report, correct?

16 Q. Correct, it is not.

17 A. 144 is the bottom of the stairs.

18 Q. In the basement or on the main level?

19 A. I believe that's in the kitchen.

20 Q. Okay. I just couldn't tell.

21 That's a cigarette, right?

22 A. Yep.

23 Q. Is it just -- I mean, like a tobacco  
24 cigarette, isn't it?

25 A. Yeah, there's a trash can that was

**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

207

1     knocked over. It's either to the right in this  
2     photo or to the left. The refrigerator is to the  
3     right.

4           Q.     All right. Have you prepared any  
5     exemplars or demonstratives or any type of  
6     exhibits you currently intend on showing at trial  
7     other than those embedded in your report?

8           A.     No.

9           Q.     Have you been asked to prepare any?

10          A.     No.

11          Q.     Have we talked about all the opinions  
12     that you intend to offer at trial?

13          A.     I believe so.

14          Q.     Have you provided me a description of  
15     all of the bases for those various opinions?

16          A.     Yes, I have.

17                 MR. COPENHAVER: I think those are all  
18     the questions I have with you with the only  
19     caveat -- and I don't expect anything where you  
20     received from your files to open avenues of  
21     questions, but we reserve the right to do so  
22     because we didn't get them before the deposition  
23     started.

24                 MR. SANTICOLA: Sure.

25                 MR. COPENHAVER: All right. We're done.



**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

208

1 THE REPORTER: Would you like a copy?

2 MR. SANTICOLA: I do.

3 MR. COPENHAVER: Electronically.

4 (Deposition concluded at 4:01 p.m.)

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**NETWORK DEPOSITION SERVICES**  
**Transcript of Robert G. Ryhal**

209

1 COUNTY OF LANCASTER :  
2 : SS  
3 COMMONWEALTH OF PENNSYLVANIA:

4 I, Joyce A. Wise, RMR, Court Reporter and  
5 Notary Public, do hereby certify that ROBERT G.  
6 RYHAL, the witness, personally appeared before me,  
7 being first duly sworn or affirmed to testify to  
8 the truth, the whole truth, and nothing but the  
9 truth, in answer to the oral questions propounded  
10 to him by the attorneys for the respective  
11 parties, testified as set forth in the foregoing  
12 deposition.

13 I further certify that before taking of said  
14 deposition, the above witness was duly sworn or  
15 affirmed, that the questions and answers were  
16 taken down stenographically by the said Joyce A.  
17 Wise, RMR, approved and agreed to, and afterwards  
18 reduced to print by means of computer-aided  
19 transcription under the direction of the aforesaid  
20 Reporter.

21 In testimony whereof, I have hereunto  
22 subscribed my hand this 9th day of August 2022.

23

24   
Joyce A. Wise, RMR  
25 Notary Public